

MASON'S MINNESOTA STATUTES

1927

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EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED
BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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CHAPTER 35

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ATTORNEYS AT LAW

5685. Board of law examiners—Examinations—The Supreme Court shall by rule from time to time prescribe the qualifications of all applicants for admission to practice law in this state, and shall appoint a state board of law examiners, which shall be charged with the administration of such rules and regulations and with the examination of all applicants for admission to practice law. The board shall consist of not less than three nor more than seven attorneys at law, who shall be appointed each for the term of three years and until his successor qualifies. The Supreme Court may fill any vacancy in the board for the unexpired term and in its discretion may remove any member thereof. The board shall have a seal and shall keep a record of its proceedings of all applications for admission to practice and of persons admitted to practice upon its recommendation. At least three times a year the board shall have examinations and report the result thereof with its recommendations to the Supreme Court. Upon consideration of such report, the Supreme Court shall enter an order in the case of each person examined, directing the board to reject him or to issue to him a certificate of admission to practice. The board shall have such officers as may from time to time be prescribed and designated by the Supreme Court. The fee for examination shall be fixed from time to time by the Supreme Court, but shall not exceed twenty-five dollars. All fees received shall be paid to the state treasurer and shall constitute a special fund, which is hereby appropriated for the payment of compensation of the members of the said board of law examiners and for their expenses. Payments therefrom shall be made by the state treasurer, upon warrants of the state auditor issued upon vouchers signed by one of the justices of the Supreme Court. The members of the board shall have such compensation and such allowances for expenses as may from time to time be fixed by the Supreme Court. (R. L. '05 § 2278; G. S. '13 § 4945, amended '21 c. 161 § 1)

See Laws 1925, c. 39, for admission to practice of certain persons serving in World War.

See Laws 1925, c. 67, amending G. S. 1913, § 4946, relating to admission to practice of certain persons who served as clerks of district courts.

See Laws 1925, c. 117 for admission to practice of certain persons serving in World War.

See Laws 1927, c. 309 and Laws 1927, c. 391, for admission to practice of certain persons who have been court reporters and who served in World War.

5686. Inconsistent acts repealed—All acts or parts of act inconsistent with this act are hereby repealed. ('21 c. 161 § 2)

For act permitting students in College of Law of the University of Minnesota, who attended classes between September 9th, 1910, and May 13th, 1913, and who served in the army of the United States, to be admitted to practice without examination, See '23 c. 246.

5687. Unauthorized practice—Every person not duly admitted to practice, who shall appear as an attorney at law in any action or proceeding in a court of record, except in his own behalf when a party thereto, or who for any consideration shall give legal advice, or in any manner hold himself out as qualified to give it or as being an attorney at law, shall be guilty of a gross misdemeanor, of which the district court shall have sole original jurisdiction, and which the county attorney shall prosecute; but an attorney admitted to practice and residing in another state, who shall attend any term of court here for the purpose of trying or assisting in the trial or conduct of an action or proceeding therein pending, may be permitted to do so without being subject to such penalty. (2280) [4947]

Explanatory note—Laws '21 repeals G. S. '13, §§ 4958 to 4961.

Contract between layman and lawyer for division of fees received in cases brought to attorney by layman held void (108-362, 122-1).

See also 108-362, 122+1; 149-5, 182+773; 149-122, 182+988; 191+589.

Stockholder cannot appear for corporation unless licensed attorney. 166-507, 208+408.

5688. General duties—Every attorney at law shall:

1. Observe and carry out the terms of his oath.
2. Maintain the respect due to courts of justice and judicial officers.

3. Counsel or maintain such causes only as appear to him legal and just; but he shall not refuse to defend any person accused of a public offense.

4. Employ, for the maintenance of causes confided to him, such means only as are consistent with truth, and never seek to mislead the judges by any artifice or false statement of fact or law.

5. Keep inviolate the confidences of his client, abstain from offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness, unless the justice of his cause requires it.

6. Encourage the commencement or continuation of no action or proceeding from motives of passion or interest; nor shall he, for any consideration personal to himself, reject the cause of the defenseless or oppressed. (2281) [4948]

Subd. 2 (104-88, 116+212).

Subd. 5 (75-366, 77+987).

If attorney has been paid or has retained from the moneys of his client compensation, unauthorized because tainted with usury, and exorbitant, the same may be recovered by the client or his assignee. 166-478, 195+455.

An attorney employed by a railroad company as a claim adjuster, who investigated the circumstances of an accident and reported the facts to the company, is disqualified, after he severs his relations with the company, from bringing an action against the company in behalf of the person injured. 165-449, 206+710.

Delay for year in remitting to client money collected, some of which was remitted after disbarment proceedings were instituted, held conduct authorizing disbarment. 210+865.

5689. Penalties for deceit, etc.—An attorney who, with intent to deceive a court or a party to an action or judicial proceeding, is guilty of or consents to any deceit or collusion, shall be guilty of a misdemeanor; and, in addition to the punishment prescribed therefor, he shall be liable to the party injured in treble damages. If he permit any person not his general law partner to begin, prosecute, or defend an action or proceeding in his name, the attorney giving such permission, and every person so using his name, shall forfeit fifty dollars to the party against whom the action or proceeding is prosecuted or defended, recoverable in a civil action. (2282) [4949]

5690. Authority—An attorney may bind his client, at any stage of an action or proceeding, by agreement

5685
29 — 267
29 — 289
29 — 424
5685
227nw 179
227nw 180
133
5685
178m 331
178m 335
181m 254
232nw 318

5689
177m 87
224nw 458
232nw 515
10044

made in open court or in presence of the clerk, and entered in the minutes by such clerk, or made in writing and signed by such attorney. During any proceeding or action the attorney may receive money claimed therein by his client, and within two years after judgment, upon payment thereof, may discharge the claim or acknowledge satisfaction of the judgment; but all such authority shall cease upon the substitution of another attorney. (2283) [4950]

Authority to stipulate that action shall abide event of another action (48-53, 50+933); to waive verification of pleading (2-319, 273); to waive defences (6-136, 82); to stipulate for judgment against client (70-66, 72+816); to waive right to second trial in ejectment (39-355, 40+262); to satisfy judgment within two years of entry (21-51; 94-418, 103+215); to issue execution and receive money paid thereon (39-373, 40+254); to make admissions in conduct of litigation (14-333, 256); to protect judgment (23-518; 29-367, 13+194). No implied authority to compromise claim (see 6-526, 365; 26-267; 49-528, 52+140; 66-131, 68+845; 111-183, 126+731); or judgment (94-418, 103+215); to stipulate that client's property taken on execution be sold at private sale by person other than sheriff (21-56); to consent to an amendment of a complaint whereby a client sued in a representative capacity is rendered liable individually (60-486, 62+1130). Agreements out of court to be in writing (33-87, 22+4). Authority to bind infant client (48-53, 50+933). Effect of assignment of judgment (39-373, 40+254). Notices to be served on (23-518; 79-476, 82+990). Foreclosure of a mortgage not a "proceeding" within statute (53-346, 55+557). Authority ceases on entry of judgment against client (21-51; 23-518). Unauthorized acts of attorney acquiesced in by client binding on client (6-526, 365; 17-45, 27; 25-267; 63-272, 65+459). A stipulation improvidently, fraudulently or collusively made may be set aside in the discretion of the court (6-136, 82; 14-333, 256; 39-355, 40+262; 48-53, 50+933; 70-66, 72+816). An unauthorized stipulation may likewise be set aside (94-490, 103+501).

A stipulation improvidently, fraudulently or collusively made, may be set aside in the discretion of the court (127-435, 149+671; 141-41, 169+272).

156-507, 208+408.

Upon a release of the cause of action to which plaintiff's attorney had forged her signature, and, as a notary, falsely certified her acknowledgment, defendants innocently and in good faith paid \$750 to the attorney and received a stipulation from him to enter judgment of dismissal with prejudice, but without costs. Held the attorney did not have implied authority to settle the cause of action. 159-125, 198+662.

But plaintiff seeking equitable relief must restore what defendants parted with in reliance upon the stipulation, under the rule that, when one of two innocent persons must suffer from the fraudulent act of a third, he by whose act the third person was enabled to perpetrate the fraud must bear the loss. 159-125, 198+662.

Where plaintiff does not authorize the settlement of an action by his attorney, he has the right to determine whether the settlement attempted by the attorney was or was not provident, and need not show it was improvident in order to have it set aside. 159-131, 198+664.

In this action, for specific performance, the court by the decree properly retained jurisdiction of the parties after its rendition for the purpose of enforcing it; hence a notice, subsequently served upon the attorney who appeared for a nonresident party at the trial of an application for enforcement against him, authorized the court to enforce the same. 160-238, 199+751.

But the court could not by a supplemental decree authorize a personal judgment to be entered for more than the original decree directed or mature a mortgage payable in the future, which the party was to assume and agree to pay, so as to include that in the personal judgment. 160-238, 199+751.

5691. Proof of authority—A court, upon motion and hearing, and when reasonable grounds are shown, may require any attorney to prove his authority to appear, and, until such proof is made, may stay all proceedings by him on behalf of the party he assumes to represent. At any stage of the proceedings the court may relieve a party from the consequences of the unauthorized acts of an attorney, and, upon motion, may summarily compel such attorney to repair any injury resulting therefrom. (2284) [4951]

1-241, 191; 19-174, 137.

Cited (109-110, 123+62).

5692. Consultation with persons restrained—All officers or persons having in their custody a person restrained of his liberty upon any charge or cause alleged, except in cases where imminent danger of escape exists, shall admit any resident attorney retained by or in behalf of the person restrained, or whom he may desire to consult, to a private interview at the place of custody. Such custodians, upon request of the person restrained, as soon as practicable, and before other proceeding shall be had, shall notify any attorney residing in the county of the request for a consultation with him. Every officer or person who shall violate any provision of this section shall be guilty of a misdemeanor, and, in addition to the punishment prescribed therefor, shall forfeit one hundred dollars to the person aggrieved, to be recovered in a civil action. (2285) [4952]

5693. Change of attorney—The attorney in an action or proceeding may be changed at any time upon his consent, or, by order of the court, upon the application of the client for cause; but no change can be made on application of the client unless the charges of the attorney be paid. When such change is made, written notice of the substitution of a new attorney shall be given to adverse parties; until such notice, they shall recognize the former attorney. (2286) [4953]

11-72, 42; 21-51; 24-479, 495.

149-220, 133+144; 191+49.

166-507, 208+408.

5694. Disability—Non-resident clients—When the sole attorney of a party to any action or proceeding in any court of record dies, becomes insane, or is removed or suspended, the party for whom he appears shall appoint another attorney within ten days after the disability arises, and give immediate written notice of the substitution to the adverse party. If he fail to make substitution within such time, the adverse party, at least twenty days before taking further proceedings against him, shall give him written notice to appoint another attorney. Whenever, for any reason, the attorney for a party ceases to act, and the party has no known residence within the state, such notice may be served upon the clerk of the court. In case such party fails either to comply with the notice or appear in person within thirty days, he shall not be entitled to notice of subsequent proceedings in the case. (2287) [4954]

21-51, 55; 64-243, 66+988.

5695. Lien for attorneys fees extended—An attorney has a lien for his compensation whether the agreement therefor be express or implied:

1. Upon the papers of his client coming into his possession in the course of his employment.
2. Upon money in his hands belonging to his client.
3. Upon the cause of action from the time of the service of the summons therein, or the commencement of the proceeding, and upon the interest of his client in any money or property involved in or affected by any action or proceeding in which he may have been employed, from the commencement of said action or proceeding, and, as against third parties, from the time of filing the notice of such lien claim, as provided in this section.

4. Upon money or property in the hands of the adverse party to the action or proceeding in which the attorney was employed, from the time such party is given notice of the lien.

5. Upon a judgment, and, whether there be a special agreement as to compensation, or whether a lien

5695
133m 414
236nw 766
238nw 1
240nw 540

5695-96
180m 30
230nw 113
237nw 130
See 9287
See 9311

is claimed for the reasonable value of the services, the lien shall extend to the amount thereof from the time of giving notice of his claim to the judgment debtor, but this lien is subordinate to the rights existing between the parties to the action or proceedings.

6. The liens provided by subdivisions 3, 4 and 5 of this section may be established, and the amount thereof determined, by the court, summarily, in the action or proceeding, on the application of the lien claimant or of any person or party interested in the property subject to such lien, on such notice to all parties interested therein as the court may, by order to show cause, prescribe, or, such liens may be enforced, and the amount thereof determined, by the court, in an action for equitable relief brought for that purpose.

Judgment shall be entered under the direction of the court, adjudging the amount due and the sale of the property subjected to the lien, or some part thereof, to satisfy said amount, and directing the sheriff to proceed to sell the same according to the provisions of law relating to the sale of real estate on execution, and to make report to the court.

A certified transcript of the judgment shall be delivered to the sheriff, and shall be his authority for making the sale.

If the property so sold is real estate, the same shall be subject to redemption in the manner provided by law for redemption of real property sold on execution.

Such liens shall not affect the right or title of bona fide purchasers or encumbrances of the property subject thereto, for value and without notice; but a duly verified notice of intention to claim such lien, specifying the property on which the lien is claimed, and the amount thereof, if under express agreement, or, if not, then the reasonable value of the services for which such lien is claimed, filed as herein provided, shall charge subsequent purchasers and encumbrancers of such property with notice of said lien from the time of such filing.

If the lien is claimed on the client's interest in real estate involved in or affected by the action or proceeding, such notice of intention to claim a lien thereon shall be filed in the office of the register of deeds in and for the county within which the same is situated. If the lien is claimed on personal property said notice shall be filed in the same manner as provided by law for the filing of chattel mortgages. (R. L. '05 § 2288; G. S. '13 § 4955, amended '17 c. 98)

Subd. 1 (96-456, 105-485, 489). Subd. 2 (83-512, 86+775). Subd. 3 (New. See 53-249, 54+1103; 86-480, 91+12; 97-51, 106+104; 102-307, 113+701; 108-41, 121+418; 114-302, 131+463; 118-198, 136+747). Subd. 4 (8-303, 267; 21-412; 86-271, 90+402; 86-480, 91+12). Subd. 5 (1-270, 205; 3-303, 267; 31-201, 17+337; 39-373, 40+254; 42-234, 44+11; 51-73, 52+970; 64-46, 65+931; 68-328, 332, 71+395, 72+71; 79-390, 82+653; 102-307, 113+701).

128-354, 151+128; 129-279, 152+413.

131-102, 154+962; 140-504, 167+423.

142-433, 172+496; 143-251, 173+429.

147-21, 179+483; 147-186, 179+890.

150-103, 184+673; 246 U. S. 632.

Proceedings under Workman's Compensation Act not governed by this act (191+742). Where the attorney claims a lien under subdivisions 1 or 2 on money or property of his client, in his own possession and control, he cannot resort to the summary proceeding furnished by subdivision 6 for the enforcement of liens arising under subdivisions 3, 4, and 5 (197+110).

Where there has been a settlement between attorney and client, the former retaining from the moneys of his client, with the later's consent, the amount of his fee, the attorney cannot thereafter force the client into court by the summary statutory proceeding for the enforcement of attorney's liens, and have the settlement confirmed or the amount of his fee determined anew and by the court. 157-379, 197+110.

In such a case, if the client should sue the attorney for a part or all of the money retained by him, he

would have the constitutional right to trial by jury, which the attorney's lien statute does not and cannot impair. 157-379, 197+110.

Accounting between client and attorney. 164-217, 204+947.

It was proper to prove that the services were to be gratuitous, unless a certain result was obtained. 210+854.

The record sustains the judgment of the court reinstating a satisfied judgment to the extent of the lien of the attorney of the plaintiff thereon of which lien the defendant had notice. 211+462.

5696. Refusal to surrender property to clients—

Whenever an attorney shall refuse to deliver money or papers to a person from or for whom he has received them in the course of his professional employment, he may be required to do so by an order of court. Such order may be granted by the court in which the action was prosecuted, or, if no action was prosecuted, by the district court of the county where he resides, or by the supreme court, and may require him to make delivery within a time specified, or show cause why he should not be punished for contempt. If the attorney claims a lien upon the property, the court may:

- 1. As a condition of making the order, require the client to give security, in form and amount as directed, to satisfy the lien when determined in an action; or
- 2. Summarily inquire into and determine the facts upon which the lien claim is founded; or
- 3. Direct a trial of the controversy by a jury, or refer it, and determine the same upon the verdict or report as in other cases. (2289) [4956]

86-271, 274, 90+402; 94-418, 103+215; 108-41, 121+418. 122-87, 141+1103; 137-102, 162+1063; 145-404, 177+629; 148-479, 181+319; 151-517, 187+710; 197+110.

Election of remedy by client against attorney. 157-379, 197+110.

5697. Removal or suspension of attorney—1. An attorney at law may be removed or suspended by the Supreme Court for any one of the following causes arising after his admission to practice:

(A) Upon his being convicted of felony, or of a misdemeanor involving moral turpitude; in either of which cases the record of conviction shall be conclusive evidence.

(B) Upon a showing that he has knowingly signed a frivolous pleading, or been guilty of any deceit or wilful misconduct in his profession.

(C) For wilful disobedience of an order of court requiring him to do or forbear an act connected with or in the course of his profession.

(D) For a wilful violation of his oath, or of any duty imposed upon an attorney by law.

2. Proceedings in such cases may be taken by the Supreme Court on its own motion, for matter within its knowledge, or upon accusation. No such proceeding for the removal or suspension of an attorney at law shall be instituted unless commenced within the period of two years from the date of the commission of the offense or misconduct complained of, or within one year after the discovery thereof. Accusations may be made to clerk of Supreme Court and shall be investigated, prosecuted, heard and determined in accordance with rules which may be made from time to time by the Supreme Court. The Supreme Court may refer any accusation to any person, and such person shall have all the powers of a referee under Section 7823, General Statutes 1913, objections to such referee may be filed within ten days of the appointment and shall be heard and determined by the Supreme Court. The referee shall report the evidence, and if directed by the Supreme Court shall make findings thereon. Persons designated by the Supreme Court under the authority of this section shall be paid their necessary expenses and

5696
230nw 113
9498

5696
238nw 640

5697
177m 203
225nw 97
6965

5697A
173m 207
217nw 350
223nw 921

5697
178m 547
183m 220
227nw 592
236nw 324
238nw 690

5697
244nw 414

5697 (A)
29 — 289
248nw 41
248nw 735

5697a
33 — 79
243nw 388
246nw 467

such compensation as shall be fixed by the Supreme Court. Officers and witnesses necessarily employed or called by the prosecution shall receive the fees and mileage allowed by law and the Supreme Court shall fix a reasonable compensation for the reporter. All expenses, fees and compensation herein authorized shall be paid by the state out of any money in the general revenue fund not otherwise appropriated, upon itemized vouchers approved by one of the justices of the Supreme Court. (R. L. '05 § 2290; G. S. '13 § 4957, amended '21 c. 334 § 1)

Subd. 1 (66-9, 68+1102); 124-528, 144+1134; 124-529, 144+1135; 123-54, 142+929. Subd. 2 (26-25, 1+43; 33-343, 23+463; 73-292, 76+38; 88-31, 92+466; 93-131, 100+645; 93-160, 100+684; 98-44, 107+144; 100-76, 110+341; 103-522, 114+1133; 104-88, 116+212). Subd. 4 (3-274, 188; 93-425, 191+613).

123-54, 142+929; 122-490, 142+733; 146-80, 177+801.

165-53, 205+454; 166-448, 208+197; 212+535; 212+605.

The evidence sustains the findings of the referee, which we have examined, approved, and adopted, that the respondent, an attorney at law, was guilty of unprofessional conduct in attempting to appropriate to his own use property which he knew did not belong to his client, but which had been intrusted to respondent by the owners thereof to be deposited in lieu of a bail to secure the release of his client from custody pending trial, and which property respondent knew was to be returned to the owners when the purpose of bail had been served 157-24, 195+492.

An attorney at law, who neglects to remit promptly, or at all, collections made for clients, who fails to answer inquiries of nonresident clients for whom he has made collections without remitting, and who makes misleading and false statements concerning collections made, thus necessitating the employment of other attorneys by the clients to collect from him, forfeits his right to practice and should be removed from his office. 159-481, 199+429.

Petition to set aside judgment of disbarment, denied. 161-503, 201+949.

An attorney who presents a check to the state treasurer in payment of fees for filing articles of incorporation with the Secretary of State, when he has not sufficient funds in bank with which to pay it, and fails to take care of it for nearly a year, and then only when a complaint is made with a view to disbarment, is such as to require discipline. 162-80, 202+74.

When proceedings are instituted for the disbarment of an attorney at law he should, on return day, enter his plea of guilty or not guilty, or file a written answer to the accusation. 164-408, 205+266.

The facts support the finding that the accused has been guilty of willful misconduct in his profession and of willful violation of his oath of office as such attorney at law. 164-408, 205+266.

Respondent's admission to the bar was procured upon a petition wherein he represented that his name was William Bauer, when in truth it was Edward Warszawski. Under the circumstances stated in the opinion, that misrepresentation is considered to justify a vacation of the order admitting respondent to the bar. But the whole case is such as to require judgment of disbarment. 167-350, 209+31.

Respondent found not guilty of a charge of misconduct as an attorney at law. 167-467, 209+316.

The use of a notice to debtors by a collection attorney, simulating legal process, is a ground for discipline 209+627.

Conduct by an attorney at law, as stated in the opinion, constitutes violation of his oath of office and fraud toward the court and adverse party, resulting in a judgment of disbarment. 209+870.

Delay in making good check not ground for disbarment, but only for reprimand. 211+652.

The evidence sustains the finding of the referee, and accords with our view, that the respondent in this proceeding for disbarment testified falsely in a hearing before the United States district judges. 211+678.

Proceeding for the disbarment of attorney at law who is found guilty of two charges against him, but not guilty of the others. 212+13.

An attorney's failure to report collection and to remit money, under the circumstances stated in the opinion, calls for disbarment. 213+556.

Explanatory note—Laws 1921, c. 334, § 2, repeals G. S. '13, §§ 495 to 4961.

ARCHITECTS, ENGINEERS AND SURVEYORS.

5697-1. Registration required—In order to safeguard life, health and property, any person practicing or offering to practice as an architect, a professional engineer or a land surveyor in this State shall hereafter be required to submit evidence that he is qualified so to practice, and shall be registered as hereinafter provided; and from and after six months after this act becomes effective, it shall be unlawful for any person to practice or to offer to practice in this State as an architect, a professional engineer (hereinafter called engineer) or a land surveyor except under the provisions of this act. ('21, c. 523, § 1)

Explanatory note—Section 16 of Laws 1921, c. 523, repeals all inconsistent laws or parts of laws.

5697-2. Persons required to register—Titles which may be used—Nothing in this act shall be construed as requiring registration for the continuation of his practice, by any person who prior to the passage of this act resided in this state and practiced as an architect, as an engineer or as a land surveyor; provided, however, no person shall represent himself as, or use the title of, "Registered Architect," "Registered Professional Engineer" or "Registered land Surveyor," unless such person is qualified by registration under this act; nor shall anything in this act be construed as requiring registration by any person, not an architect or an engineer, who may engaged in work of an architectural or engineering character; provided, that such person shall not represent himself as a registered architect or as a registered engineer; and provided further, that on drawings, specifications or other documents prepared or issued by such person, he shall not use the title Registered Architect or Registered Engineer, or any other title implying that he is a registered architect or a registered engineer. Nor shall anything in this act be construed as requiring registration by any person selected by any municipality or other public authority to perform public work in the State of Minnesota. ('21, c. 523, § 2)

5697-3. State Board of Registration for Architects, etc.—Appointment, removal, etc.—To carry out the provisions of this act there is hereby created a State Board of Registration for architects, engineers and land surveyors (hereinafter called the board) consisting of seven members, who shall be appointed by the Governor within sixty days after this act becomes effective. Three members shall be registered architects, three members shall be registered engineers and one member shall be a registered land surveyor. Not more than one member of said Board shall be from the same branch of the profession of engineering. The members of the first Board shall be appointed to serve for the following terms: two members for one year; two members for two years; two members for three years; and one member for four years, said terms ending on the first day of January of the succeeding years. On the expiration of each of said terms the term of office of each newly appointed or reappointed member of the Board shall be for a period of four years and shall terminate on the first day of January; except that each member shall hold over after the expiration of his term until his successor shall have been duly appointed and qualified. The Governor may remove any member of the Board for misconduct, incompetency or neglect of duty. Vacancies in the membership of the Board, however created, shall be filled by appointment by the Governor for the unexpired term. ('21, c. 523, § 3)

5697-4. Same—Qualifications of members—Each member of the Board shall be a citizen of the United States and a resident of this State at the time of his appointment. He shall have been engaged in the practice of his profession for at least ten years and shall have been in responsible charge of work for at least five years. He shall be a member in good standing of a recognized society of architects, engineers or land surveyors, and except as provided in Section 5, shall be a registered architect, registered engineer or registered land surveyor. ('21, c. 523, § 4)

Explanatory note—For section 5 see § 5697-5, herein.

5697-5. Same—General powers and duties—Each member of the Board shall receive a certificate of appointment from the Governor, and before beginning his term of office he shall file with the Secretary of the State the constitutional oath of office. Each member of the Board first created shall receive a certificate of registration under this act from the Governor of this State. The Board or any committee thereof shall be entitled to the services of the Attorney General in connection with the affairs of the Board, and the Board shall have power to compel the attendance of witnesses, may administer oaths and may take testimony and proofs concerning all matters within its jurisdiction. The Board shall adopt and have an official seal which shall be affixed to all certificates of registration granted; and shall make all by-laws and rules not inconsistent with law needed in performing its duties; and shall fix standards for determining the qualifications of applicants for certificates, which shall not exceed the requirements contained in the curriculum of a recognized school of architecture or engineering. ('21, c. 523, § 5)

5697-6. Same—Meetings—Officers—Quorum—The Board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such times as the by-laws of the Board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The Board shall elect annually from its members a chairman, a vice-chairman and a secretary-treasurer. A quorum of the Board shall consist of not less than four members, of whom two shall be architects and two engineers. ('21, c. 523, § 6)

5697-7. Fees—Disposition of—Compensation of members of board—All fees and other monies accruing from the operation of this act shall be paid to the Board and shall be used for the purposes of this act. The expenses of the Board shall be paid by voucher made by the secretary-treasurer and approved by the chairman. Each member of the Board shall receive such compensation as the Board may direct, not to exceed \$10.00 per day for time spent in attending meetings of the Board. The members of the Board shall be reimbursed for actual expenses incurred in travel to and from meetings and for expenditures for hotel bills, meals, stationery, postage, printing, typewriting and the like necessary expenses incurred in the performance of their duties under this act. The secretary-treasurer of the Board shall give a surety bond satisfactory to the State Treasurer conditioned upon the faithful performance of his duties. The premium on said bond shall be regarded as a proper and necessary expense of the board. ('21, c. 523, § 7)

Explanatory note—Moneys received by board paid into state treasury. See § 53-47, herein.

5697-8. Records and reports of board—The Board shall keep a record of its proceedings and a register of

all applicants for registration showing for each, the date of application, name, age, educational and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected or a certificate of registration granted, and the date of such action. The books and register of the Board shall be prima facie evidence of all matters recorded therein. A roster showing the names and places of business and of residence of all registered architects, engineers and land surveyors shall be prepared by the secretary-treasurer of the Board during the month of January of each year; such roster shall be printed out of the funds of the Board as provided in Section 7. On or before the first day of February of each year the Board shall submit to the Governor and file with the Secretary of State a copy of the report of its transactions for the preceding year together with a complete statement of the receipts and expenditures of the Board signed by the chairman and the secretary-treasurer, accompanied by a certified audit, and a copy of the said roster of registered architects, registered engineers and registered land surveyors. ('21, c. 523, § 8)

Explanatory note—For section 7, see § 5697-7, herein. Registration record filed with Secretary of State. See § 53-47, herein.

5697-9. Certificates of registration—Application for—Fee—Issue—Renewal—The Board shall, on application therefor, on prescribed form and the payment of a fee of not to exceed Twenty-five (\$25.00) Dollars issue a certificate of registration as an architect or an engineer, and on the payment of a fee of not to exceed Ten (\$10.00) Dollars issue a certificate of registration as a land surveyor;

1. To any person over twenty-five (25) years of age, who is a citizen of the United States or Canada, or who has made declaration of his intention to become a citizen of the United States; who speaks and writes the English language; who is of good character and repute, and has been actively engaged for six or more years in architectural or engineering work, or land surveyor. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of his right of renewal thereafter, but the fees to be paid for the renewal of the certificate after the succeeding first day of January shall be Seven (\$7.00) Dollars for an architect or an engineer, and Three (\$3.00) Dollars for a land surveyor. The aggregate fee for renewal of registration in two or three of the professions shall be the same as the single renewal fee for registration as an architect or an engineer. ('21, c. 523, § 9)

5697-10. Revocation of certificates of registration—Reissue—Duplicate certificates—The Board shall have the power to revoke the certificate of registration of any architect, engineer or land surveyor registered hereunder, who is found guilty of any fraud or deceit in obtaining a certificate of registration or of gross negligence, incompetency or misconduct in the practice of architecture, engineering or land surveying. Any person may prefer charges of such fraud, deceit, negligence, incompetency or misconduct against any architect, engineer or land surveyor registered hereunder. Such charges shall be in writing, sworn to by the complainant and submitted to the Board; and unless dismissed without hearing by the Board as unfounded or trivial, shall be heard and determined by the Board within three months after the date on which they are preferred. A time and place for such hearing shall

be fixed by the Board. A copy of the charges, together with a notice of the time and place of hearing, shall be legally served on the accused at least thirty days before the date fixed for the hearing, and in the event that such service can not be effected thirty days before the hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel, to cross-examine witnesses against him and to produce evidence and witnesses in his defense. If after said hearing five or more members of the Board vote in favor of finding the accused guilty of any fraud or deceit in obtaining a certificate, or of gross negligence, incompetency or misconduct in the practice of architecture, engineering or land surveying, the Board shall revoke the certificate of registration of the accused.

The Board may reissue a certificate of registration to any person whose certificate has been revoked, provided five or more members of the Board vote in favor of such reissuance for reasons the Board may deem sufficient.

A new certificate of registration to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules and regulations of the Board. A charge of one dollar shall be made for such reissuance. ('21, c. 523, § 10)

5697-11. Certificates as evidence—Seals of registrants—The issuance of a certificate of registration by this Board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered architect, registered engineer or registered land surveyor while the said certificate remains unrevoked or unexpired.

Each registrant hereunder may upon registration obtain a seal of the design authorized by the Board, bearing the registrant's name and the legend "Registered Architect," "Registered Professional Engineer" or "Registered Land Surveyor." Plans, specifications, plats, reports or other documents issued by a registrant may be stamped with said seal during the life of registrant's certificate, but it shall be unlawful for anyone to stamp or seal any document with said seal after the certificate of the registrant named thereon has expired or has been revoked. ('21, c. 523, § 11)

5697-12. Offenses—Penalties—Any person who after this Act has been in effect six months is not authorized to practice in this State as a registered architect, a registered engineer or a registered land surveyor under the provisions of this Act and shall so practice, or offer so to practice, and any person presenting or attempting to file as his own the certificate of registration of another, or who shall give false or forged evidence of any kind to the Board, or to any member thereof, for the purpose of obtaining a certificate of registration, or who shall falsely impersonate any other practitioner, of like or different name, or who shall use or attempt to use an expired or revoked certificate of registration, shall be deemed guilty of a misdemeanor; and shall for each such offense of which he is convicted be punished by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment for three months, or by both fine and imprisonment. However, nothing in this Act shall be construed as excluding any registered architect from doing work of an engineering character, nor of excluding any registered engineer from doing work of an architectural character. ('21, c. 523, § 12)

5697-13. Persons exempt from registration—The following shall be exempted from the provisions of this Act:

1. Offering to practice in this State as an architect, an engineer or a land surveyor, by any person not a resident of and having no established place of business in this State.
2. Practice as an architect, an engineer or a land surveyor in this State by any person not a resident of and having no established place of business in this State, when this practice does not aggregate more than thirty days in any calendar year; provided, that said person is legally qualified for such professional service in his own State or country.
3. Practice as an architect, an engineer or a land surveyor in this State by any person not a resident of and having no established place of business in this State, or any person resident in this State, but whose arrival in the State is recent; provided, however, such person shall have filed an application for registration as an architect, an engineer or a land surveyor and shall have paid the fee provided for in Section 9 of this Act. Such exemption shall continue for only such reasonable time as the Board requires in which to consider and grant or deny the said application for registration.
4. Practice as an architect, an engineer or a land surveyor by any person not a resident of, and having no established place of business in this State, as a consulting associate of an architect, an engineer or a land surveyor registered under the provisions of this Act; provided the non-resident is qualified for such professional service in his own State or country.
5. Practice as an architect, an engineer or a land surveyor solely as an officer or as an employe of the United States. ('21, c. 523, § 13).

5697-14. Corporations and partnerships—A corporation or partnership may engage in work of an architectural or engineering character, or in land surveying, in this State, provided the person or persons connected with such corporation or partnership in responsible charge of such work is or are registered as herein required of architects, engineers and land surveyors, or is or are otherwise authorized to practice. The same exemptions shall apply to corporations and partnerships as apply to individuals under this Act. ('21, c. 523, § 14)

5697-15. Land surveying defined—Land surveying as covered by this Act refers only to surveys for the establishment or re-establishment of land boundaries, the subdivision and platting of land and the determination of areas. ('21, c. 523, § 15)

CERTIFIED ACCOUNTANTS

5698. Board of accountancy—That a board of examiners, to be known as the state board of accountancy, is hereby created to carry out the purposes and enforce the provisions of this act. Said board shall consist of three citizens of this state to be appointed by the governor and who, with the exception of the members first to be appointed, shall be the holders of certificates issued under the provisions of this act and shall hold office for the term of three years and until their successors are appointed and qualified. The first members of said board shall be skilled in the practice of accounting, and shall for a period of three years

next preceding their appointment, have been actively engaged therein, in this state, on their own account, and shall hold office, one for the term of three years from the date of his appointment, one for the term of two years, and one for the term of one year. The term of office of each is to be designated by the governor in his appointment, and upon the expiration of each term of its members, the governor shall appoint one member of said board as herein provided for a term of three years. ('09 c. 439 § 1) [4962]

5699. Officers — Duties — Examinations—Report—

The persons appointed as members of this board shall meet and organize within thirty (30) days after their appointment. A majority of said board shall constitute a quorum. They shall appoint one of their number as a chairman, another as a secretary and another as treasurer, or may appoint one member to serve as both secretary and treasurer, and said officers shall hold their respective offices for a term of one year and until their successors are elected. In the absence of the chairman or secretary, the board may appoint a chairman pro tem., or a temporary secretary. The affirmative vote of two members of said board shall be considered as the action of said board. Said board shall enforce the standard of general education; the standard of special education in the science and art of accounting; the standard of moral character and general public experience as prescribed in this act in all examinations conducted hereunder. The board shall make rules and regulations for the conduct of applicants' examinations and the character of such examinations and scope, the method and time of filing applications for examinations and their form and contents, and all other rules and regulations proper to carry into effect the purposes of this act. All such examinations shall be conducted by said state board of accountancy. The time and place of holding examinations shall be advertised for not less than three consecutive days in one daily newspaper, published in each of the counties where the examinations are to be held, and not less than twenty days prior to the date of each examination. The examinations shall take place as often as may be convenient in the opinion of the board, but not less than once in each year. Said board shall keep records of their proceedings, an accurate list of all applications made, certificates issued, certificates registered and certificates revoked, and shall keep proper financial records in which there shall be entered a complete statement of the cash receipts and disbursements of said board. Said board shall adopt and provide itself with a seal with a band inscribed "Certified Public Accountant, State of Minnesota," with the coat of arms of Minnesota in the center, and said seal shall be affixed to each certificate issued or registered under this act. All records of said board shall be open to the inspection of the public at the office of the secretary of the board. Said board shall report annually to the governor in the month of December, as follows:

- (a) Its receipts and disbursements.
- (b) Names of persons to whom certificates have been issued.
- (c) Names of all persons whose certificates have been revoked.
- (d) Recommendations, if any, for new legislation, and such other matters as the board may deem proper. ('09 c. 439 § 2) [4963]

Registration record filed with Secretary of State. See § 53-47, herein.

5700. Certificate granted, to whom—No certificate for a certified public accountant shall be granted to any person other than a citizen of the United States, or person who has in good faith duly declared his intention of becoming such citizen, and is over the age of twenty-one years and of good moral character and (except under the provisions of section 4 [5701] of this act) who shall have successfully passed an examination in "Accounting," "Auditing" and "Commercial Law," affecting accountancy, and on such other subjects as the board may deem advisable. No person shall be permitted to take such examination unless he shall for a period of at least three years have been employed in the office of a "public accountant" as an assistant, or shall have been practicing as a public accountant on his own account, and who shall not at least three years prior to the date of said examination have successfully passed an examination in such subjects as may be prescribed by the board, touching his general education, qualification and fitness for an accountant; provided, that said board may, in its discretion, waive the preliminary examination of an applicant who, in its opinion, has had a general education equivalent to that which may be prescribed by its rules and is otherwise qualified. ('09 c. 439 § 3) [4964]

127-150, 149+9; 121-296, 141+181.

5701. Certificate without examination, to whom—

Said state board of accountancy may, in its discretion, waive the examination of and may issue a certificate for certified public accountant to any person possessing the qualifications mentioned in section 3 [5700] of this act, who

(1) Is the holder of a C. P. A. certificate, issued under the laws of another state, which extends similar privileges to certified public accountants of this state, provided the requirements for said degree in the state which has granted it to the applicants are, in the opinion of the state board of accountancy, equivalent to those herein provided; or who

(2) Shall be the holder of a degree of certified public accountant or chartered accountant, or the equivalent thereof, issued in any foreign government, provided that the requirements for such degree are equivalent to those herein provided for the degree of certified public accountant; or who

(3) For more than three consecutive years next preceding the passage of this act shall have been practicing in this state on his own account as a public accountant, and who shall apply in writing to the board for such certificate within six months after the passage of this act. ('09 c. 439 § 4) [4965]

5702. Holder of certificate, how styled—Any person who has received from said state board of accountancy a certificate of his qualifications to practice as a public accountant as herein provided shall be known and styled a "Certified Public Accountant"; and no other person, and no partnership, all of its members who have not received such certificate, and no corporation shall assume such title or the title of "Certified Accountant," or the abbreviations "C. P. A." or any other words, letters or abbreviations tending to indicate that the person, firm or corporation so using the same is a certified public accountant. ('09 c. 439 § 5) [4966]

5703. Fee for examination and certificate—Said state board of accountancy shall charge for each examination and certificate provided for in this act a fee of twenty-five dollars to meet the expenses of such examination. This fee shall be payable by the applicant at the time of making his initial application, and shall not be refunded, and no additional charge shall be

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Et seq.
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made for the issuance of a certificate to any applicant. From the fees collected under this act, the board shall pay all expenses incident to the examinations, hearings and expense of issuing certificates, traveling expenses of the members of the board while performing their duties under this act shall be a charge against the funds of this state. The members of said board of accountancy shall be paid all necessary expenses incurred in the performance of the duties under this act. ('09 c. 439 § 6) [4967]

Moneys received by board paid into state treasury. See § 53-17, herein.

5704. Revocation of certificate—Said state board of accountancy may revoke any certificate issued under this act or may cancel the registration of any certificate issued under this act for bad moral character, dishonesty, conviction of crime, incompetency or unprofessional conduct; provided, a written notice shall have been mailed to the holder of such certificate at least twenty days before any hearing thereon, stating the cause for such contemplated action and appointing a time and place for a hearing thereon by the state board of accountancy, and further provided, that no certificate issued under this act shall be revoked until an opportunity for such hearing shall have been afforded. At all such hearings, the attorney general of this state, or one of his assistants designated by him, shall attend. Certificates issued or registered under this act shall be surrendered to the state board of accountancy on their revocation by said board. ('09 c. 439 §.7) [4968]

5705. Penalty for violation—Any violation shall be a "gross misdemeanor." ('09 c. 439 § 8) [4969]

BASIC SCIENCES AND PRACTICE OF HEALING.

5705-1. Basic sciences defined—Practicing healing and practice of healing defined—Wherever the term "basic sciences" is used in this Act and not otherwise specifically defined, the same shall be understood and construed to mean and include all matters pertaining to anatomy, physiology, pathology, bacteriology, hygiene and after 1931 chemistry, so far as the same relates to the human system or mind as generally treated in each or all of said subjects. Wherever the term "practicing healing" or "practice of healing" is used in this Act unless otherwise specifically defined, the same shall be understood and construed to mean and include any person not hereinafter excepted from the provisions of this Act who shall in any manner for any fee, gift, compensation or reward or in expectation thereof, engage in, or hold himself out to the public as being engaged in, the practice of medicine or surgery, the practice of osteopathy, the practice of chiropractic, the practice of any legalized method of healing or the diagnosis, analysis, treatment, correction or cure of any disease, injury, defect, deformity, infirmity, ailment or affliction of human beings or any condition or conditions incident to pregnancy or childbirth or examination into the fact, condition or cause of human health or disease, or who shall, for any fee, gift, compensation or reward or in expectation thereof, suggest, recommend or prescribe any medicine or any form of treatment, correction or cure thereof; also any person or persons, not hereinafter excepted from the provisions of this Act individually or collectively who maintains an office for the reception, examination, diagnosis or treatment of any person for any disease, injury, defect, deformity or infirmity of body or mind, or who attaches the title of doctor, phy-

sician, surgeon, specialist, M. D., M. B., D. O., D. C., or any other word, abbreviation or title to his name indicating or designed to indicate that he is engaged in the practice of healing. ('27, c. 149, § 1; effective May 1, 1927)

5705-2. State Board of Examiners in Basic Sciences—Created and established—There is hereby created and established a board to consist of five members, citizens of the State of Minnesota, to be known and designated as the State Board of Examiners in the Basic Sciences. ('27, c. 149, § 2, effective May 1, 1927)

5705-3. Same — Members — Appointment — Qualifications—The State Board of Examiners in the Basic Sciences shall consist of five members, viz: Two full-time paid professors or associate or assistant professors who are not actively engaged in the practice of healing, who shall be appointed as hereinafter provided from the University of Minnesota or any university or college in Minnesota accredited by the University of Minnesota, one doctor of medicine and surgery, one doctor of osteopathy and one doctor of chiropractic each of whom shall have practiced his respective profession in this State for a period of at least five years prior to his appointment. The State Board of Examiners of each of said professions shall recommend to the Governor one or more persons for his consideration in making appointments to said State Board of Examiners in the Basic Sciences. ('27, c. 149, § 3, effective May 1, 1927)

5705-4. Same—Appointment—Terms of office—Vacancies—Oath of office—The Governor, by and with the advice and consent of the Senate, shall appoint a State Board of Examiners in the "Basic Sciences." The first appointments shall be made as soon as may be after this Act shall take effect. The terms of office of the members first appointed shall begin when they are appointed and qualify and shall continue thereafter for the following periods: Two members until April 1, 1929; two members until April 1, 1931; and one member until April 1, 1933. Upon the expiration of such terms and of all terms thereafter, the Governor shall appoint a successor to the member whose term expires for a term of six years. Vacancies in said board shall be filled by appointment by the Governor within thirty days after such vacancy occurs for the balance of the unexpired term and each member shall serve until his successor qualifies. Each member of the board before entering upon the discharge of his duties shall take, subscribe and file with the Secretary of State the oath of office prescribed by the Constitution. ('27, c. 149, § 4, effective May 1, 1927)

5705-5. Same — Organization — Officers — General powers—Rules and regulations—Meetings—Quorum—Seal—Records—Employees—Compensation — Within thirty days after the appointment of the members of the State Board of Examiners in the Basic Sciences provided for in Section 4 of this act they shall assemble and organize by the election from their members of a president, a vice president and a secretary-treasurer, who shall each serve for one year or until their successors are elected and qualified. Said board shall have authority to prescribe such reasonable rules and regulations relative to the examination of applicants in the basic sciences as may be found necessary for the performance of its duties. As to any matters coming under its jurisdiction the board in session may take such testimony as it may deem necessary in the exercise of its powers and the performance of its duties under the provisions of this Act, and any member of

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said board shall have the power to administer oaths in the taking of such testimony. Three members of the board shall constitute a quorum for the transaction of business. Said board shall have a common seal which shall be kept by the secretary, whose duty it shall be to keep a record of all proceedings of said board including the register of all applicants for examination therein, preserving the names, addresses, ages, educational qualifications and the result of their examination, which shall at all times be available for inspection by any parties in interest. Said board shall meet at the University of Minnesota and there conduct examinations in the basic sciences four times each year respectively, on the first Tuesday in January, April, June and October, and may hold other meetings at such times and places as the board shall determine. Said board may appoint and fix the salaries of an assistant secretary and such other employes and shall have power to employ such expert assistant or assistants as it may deem necessary to carry out the purposes of this Act. Such employes shall hold their positions at the pleasure of the board. The compensation of each member of said board shall be \$15.00 for each day actually spent in the performance of his duties together with actual necessary expenses, payable out of the funds of the board. ('27, c. 149, § 5, effective May 1, 1927)

5705-6. Applications for examination of persons desiring to practice healing—Qualifications—Fees—Scope and extent of examinations—Any person not hereinafter excepted from the provisions of this Act desiring to practice healing in this state shall apply to the secretary of the State Board of Examiners in the Basic Sciences, on blank forms prepared and furnished by said board, to be examined in the basic sciences at the next examination therein following the making of such application and for a certificate of registration in the basic sciences, accompanying such application with a fee of \$15 and sufficient and satisfactory proof that the applicant is 21 years of age or over, is of good moral character and has an education equivalent to graduation from an accredited high school of this state, provided that no applicant shall be required nor requested to disclose in such application the professional college or university he may have attended nor the branch or system of healing which he intends to pursue. Examinations shall be in the basic sciences only and may be both written and by demonstration or other practical test, as the board may determine. ('27, c. 149, § 6, effective May 1, 1927)

5705-7. Certificates of registration upon passing examination—Re-examinations—Fees—If in such examination the applicant attains a grade of 75 per cent in each subject he shall receive a certificate of registration in the basic sciences, signed by the president and secretary and sealed with the seal of said board. If he fails in one or two subjects only, he may be re-examined in the subject or subjects in which he failed, at any examination within one year without further application or examination fee, and upon attaining a grade of 75 per cent therein, he shall receive his certificate of registration in the basic sciences. If he fails in three or more of the subjects, he may make a new application for examination in all subjects and again pay the secretary-treasurer of said board the examination fee of \$15.00. ('27, c. 149, § 7, effective May 1, 1927)

5705-8. Registration without examination—Fees—Any person not hereinafter excepted from the provisions of this Act who was lawfully authorized to

practice healing, as by this Act defined, in this state on the date this Act takes effect, and who was on that date regularly licensed or registered in the manner then by law provided, shall, upon application as herein provided, receive from the State Board of Examiners in the Basic Sciences a certificate of registration in the basic sciences without examination therein; provided, however, that on or before October 1, 1927, every such person shall apply to the secretary of said board for such certificate of registration, accompanying such application with sufficient and satisfactory evidence that he was, on the date of the passage of this Act, lawfully authorized to practice healing or regularly licensed or registered according to law in the particular branch or system of healing by him pursued and specifying in said application the branch or system of healing pursued by the applicant, the school from which he graduated, if any, and the date of graduation from said school together with a fee of three dollars. Such certificate of registration shall recite that registration is made solely as a person lawfully authorized to practice healing or licensed or registered according to law on the date this Act takes effect, and that same was issued without examination in the basic sciences. Any person entitled to a certificate of registration in the basic sciences without examination therein pursuant to the provisions of this section who fails to apply for same in the manner herein provided shall not receive such certificate of registration except upon an application for examination and actual examination in the basic sciences as hereinbefore provided; provided, however, said State Board of Examiners in the Basic Sciences may after the first day of October, 1927, in its discretion, upon payment to it of a fee of \$25.00, issue a certificate of registration in the basic sciences without examination to any person who would have been entitled thereto pursuant to the provisions of this section upon applying therefor on or before the first day of October, 1927, and who makes application therefor in the manner herein provided and shows good cause why said application was not made on or before the first day of October, 1927. ('27, c. 149, § 8, effective May 1, 1927)

5705-9. Certificates without examination to practitioners from other states or passed upon examination by national board of medical examiners—Fees—The State Board of Examiners in the Basic Sciences may issue a certificate of registration in the basic sciences without examination therein to an applicant who presents sufficient and satisfactory evidence of having passed examinations in the basic sciences as defined by this Act before the National Board of Medical Examiners or a legal examining board or officer of another state or of a foreign country, if the standards of such other state or foreign country are determined by said board to be as high as those of this state, and if such other state or foreign country shall be then according a like privilege to persons licensed to practice healing under the authority of the laws of this state, and who presents sufficient and satisfactory proof that he is 21 years of age or over and of good moral character, accompanying the application with a fee of \$25.00 to the secretary-treasurer of said board. ('27, c. 149, § 9, effective May 1, 1927)

5705-10. Recording certificates of registration with clerks of district courts—Every person holding a certificate of registration under this Act shall have it recorded within 30 days after the issuance thereof in the office of the Clerk of the District Court of the county in which he resides, and whenever he shall change his

place of residence to another county, he shall again record such certificate in the office of the Clerk of the District Court of such county, and the clerk shall, in each case, write or stamp thereon the date of such recording. The Clerk of the District Court shall keep in a book provided for such purpose by the county and open to the public inspection a complete list of such certificates of registration in the basic sciences recorded by him and his predecessors in office, including the date of the issue of each certificate or registration, the name of the person therein and the date of the recording thereof. For each such recording the Clerk of the District Court shall receive from the person named in the certificate of registration a fee of one dollar. After such recording the certificate of registration shall be conspicuously displayed by the holder thereof in the office or place where he pursues the practice of healing. ('27, c. 149, § 10, effective May 1, 1927)

5705-11. Fees—Disposition of and reports as to— All fees received by the State Board of Examiners in the Basic Sciences under this Act shall be paid to the secretary-treasurer thereof, who shall forthwith deposit the same with the State Treasurer, to be kept in a separate fund, which shall be under the control, and for the use, of said board. All expenditures of said board and all expenses necessarily paid or incurred thereby, in the exercise of its powers or the performance of its duties under this Act shall be paid out of said fund. Payments out of said fund shall be made only upon written orders issued and signed by the president and secretary-treasurer of said board. Such secretary-treasurer shall give a bond to the State of Minnesota in such sum as the board shall determine, with sureties approved by the board, conditioned upon the faithful performance by him of the duties of his office and his accounting for all moneys of the board in his custody or under his control as such secretary-treasurer. No expense shall be incurred by said board in excess of the revenue derived from such fees. The secretary-treasurer of said board shall, on or before August 1 of each year, file with the Governor a report of all receipts and disbursements and proceedings of said board for the preceding fiscal year. ('27, c. 149, § 11, effective May 1, 1927)

5705-12. No examinations or licensing or registration by examining boards for any system of healing without certificates of registration in basic sciences— No examining board for any branch or system of healing, now existing or hereafter established, shall admit to its examinations or license or register any applicant for examination by such board unless such applicant first presents to its a certificate of registration in the basic sciences. Any such board shall not require of the applicant another examination in any of the basic sciences. ('27, c. 149, § 12, effective May 1, 1927)

5705-13. Annual registration of persons authorized to practice healing—Fees—Change of address—Register kept—Disposition of fees received— Every person not hereinafter excepted from the provisions of this Act, authorized to practice healing in this state shall in the month of January of each year register with the secretary of the particular board of examiners which examined and registered or licensed him to practice that branch or system of healing which he pursues; and shall at said time for the purpose of making such registration, send to such secretary in writing signed by him, his name, the name of the place and the address at which he is engaged in the practice of healing, and pay to said secretary respectively for the years 1928 and 1929, a fee of \$5.00, and thereafter for each

year a fee of \$2.00. Any person who shall change the address or place, at which he practices healing during the year shall forthwith notify such secretary in writing of such change, giving such new address or place. The secretary of each board of examiners shall keep a proper register of all such persons and to each person so registering the proper board shall issue a certificate for the current year, signed by the president and secretary and sealed with the seal of such board, setting forth his name, the name of the place and the address at which he is engaged in the practice of healing, and the branch or system of healing by him pursued. Any person not hereinafter excepted from the provisions of this Act lawfully entitled to engage in the practice of healing in this state after the month of January in any year and who shall not be registered as provided in this section, shall, within thirty days after first so engaging in the practice of healing, register with the proper examining board in the manner herein provided and pay to the secretary of such board the fee above required, and shall receive from such board a certificate as above prescribed for the balance of such year. Every person receiving a certificate as herein provided shall display the same in a conspicuous place in the office or other corresponding place where he pursues the practice of healing.

All fees received by the secretary of any examining board for registration required by this section shall be available to and may be used by such board to defray the expenses of keeping proper registers, furnishing the certificates herein provided for, employing an inspector or inspectors for procuring evidence of any violation of the law or laws administered thereby and aiding in the enforcement of such law or laws and for such other expenses as may be necessarily paid or incurred in the exercise of its powers or performance of its duties as provided by law. ('27, c. 149, § 13, effective May 1, 1927)

5705-14. Lists for State Board of Health of persons registered—Printing and distribution of lists— On or before the first day of March in each year, the secretaries of the several examining boards shall certify to the Secretary of the State Board of Health of the State of Minnesota, under the hand of the president and secretary and the seal of the particular examining board, a list of all persons registered with said board for the current year. The secretary of each of the several examining boards of this state shall, within 60 days after any examination conducted by his examining board, certify in writing to the Secretary of the State Board of Health in the manner prescribed, a list of all persons admitted or licensed by his board to practice healing in this state and whose names have not been previously so certified to the Secretary of said State Board of Health in the then current year. Within 30 days after receiving from the secretaries of the several examining boards any of the lists of persons lawfully engaged in the practice of healing in this state as by this section provided, the State Board of Health of the State of Minnesota shall cause such lists to be printed and a copy thereof to be sent to each city, village or district health officer and each sheriff and county attorney in the state. ('27, c. 149, § 14, effective May 1, 1927)

5705-15. Discrimination against systems of healing or schools, colleges or universities— The several boards or other officers whose duty it shall be to administer or carry into effect the provisions of this act shall, while exercising such authority, in no manner dis-

criminate against any system or branch of healing or against any high school, or college or university accredited by the University of Minnesota wherein any applicant may have received the preliminary education by this act required. ('27, c. 149, § 15, effective May 1, 1927)

5705-16. Exceptions from operation of law—Nothing in this act shall be construed to prohibit any person from giving treatment by massage as defined by Chapter 69, Session Laws of 1927; provided that such persons are duly licensed under the provisions of Chapter 69, Session Laws of 1927, or prohibit any person from using any antiseptic, germicide, or disinfectant prescribed by the state or local board of health of the State of Minnesota for the prevention of the spread of communicable diseases, nor from using antidotes or rendering gratuitous service in case of emergency, nor shall this Act apply to nurses, midwives, dentists, optometrists, chiropodists, barbers, cosmeticians, Christian Scientists, nor to any person giving treatment or administering any cure or attempted cure, exclusively by mental or spiritual means nor to manufacturers or distributors of orthopedic appliances, the manufacture or sale of drugs, medicines or poisons by a registered pharmacist or a registered assistant pharmacist, so long as those who are hereby excepted from the provisions of this Act confine their activities within the scope of their respective licenses which they or either of them may now or may hereafter procure or, if not licensed, so long as they confine their activities within the ordinary scope of said occupations respectively; nor shall this Act apply to physicians and surgeons of the United States Army or Navy or United States Public Health Service or other officials or employes of the United States while acting in the performance of their duties, nor to legally qualified physicians of other states called in consultation, nor shall this Act apply to scientific, sanitary, or teaching personnel employed by the State University, the State Department of Education, or by any public or private school, college or other bona fide educational institution, of the State Department of Health, whose duties are entirely of a public health or educational character while engaged in such duties. ('27, c. 149, § 16, effective May 1, 1927)

Explanatory note—For Laws 1927, c. 69, see §§ 5784-1 to 5784-12, herein.

5705-17. Practicing without certificate of registration in basic sciences—Penalty—Any person not hereinbefore excepted from the provisions of this Act who shall after October 1, 1927, practice or attempt to practice healing as in this Act defined in the State of Minnesota without a valid existing certificate of registration in the basic sciences issued to him pursuant to the provisions of this Act, shall be guilty of a gross misdemeanor. ('27, c. 149, § 17, effective May 1, 1927)

5705-18. Practicing without recording certificate of registration in basic sciences, or without registering with proper board, or without displaying certificate of registration—Penalty—Any person not hereinbefore excepted from the provisions of this Act who shall practice healing or attempt to practice healing in this state without having recorded his certificate of registration in the basic sciences in the manner herein provided, or without having registered with the examining board in the system or branch of healing by him pursued as herein provided, or without displaying his certificate of registration in the basic sciences and his certificate of annual registration with the proper board

of examiners as herein provided, shall be guilty of a misdemeanor. ('27, c. 149, § 18, effective May 1, 1927)

5705-19. Other offenses—Penalty—Record of convictions—Cancellation of certificates—Any person implicated in employing fraud or deception in applying for or securing a certificate of registration in the basic sciences, or in passing any examination therefor, or in registering annually under this Act, shall be guilty of a gross misdemeanor. It shall be the duty of the Clerk of the Court wherein any conviction is had under this section to file a certified copy thereof with the proper board and thereupon the secretary of such board shall cancel such certificate upon the records of his office and forthwith notify the respective clerks of the courts wherein such certificate is recorded, of such cancellation; and such clerks shall immediately note such cancellation on their respective records thereof. For filing a certified copy of any conviction as herein required, the clerk of the court shall charge a fee of One Dollar. ('27, c. 149, § 19, effective May 1, 1927)

5705-20. Failure to certify lists of registered persons—Penalty—Any secretary of any examining board who shall fail to certify to the secretary of the State Board of Health of the State of Minnesota the lists of persons registered with the examining board of which he is the secretary as and within the time by this Act required, shall be guilty of a misdemeanor. ('27, c. 149, § 20, effective May 1, 1927)

5705-21. Prosecutions—Allegations and proof not required—In the prosecution of any person for violation of this Act as specified in Section 17 or Section 18 hereof, it shall not be necessary to allege or prove want of a valid certificate of registration in the basic sciences, or failure of the accused to record his certificate of registration or to register with the examining board in the system or branch of healing by him pursued, as required by this Act, but all such matters shall be matters of defense to be established by the accused. ('27, c. 149, § 21, effective May 1, 1927)

Explanatory note—For §§ 17 and 18 see §§ 5705-17, 5705-18, herein.

5705-22. Construction of law—This Act is supplementary to existing laws and not a repeal thereof except in so far as the provisions of existing laws may be inconsistent with the provisions hereof; provided, however, that this Act shall not operate to supplement, repeal, modify or in any way affect existing laws regulating the professions exempted by Section 16 of this Act. ('27, c. 149, § 22, effective May 1, 1927)

Explanatory note—For section 16, see § 5705-16, herein.

5705-23. Partial invalidity of law—The various provisions of this Act shall be severable and if any part or provisions shall be held to be invalid it shall not be held to invalidate any other part or provisions hereof. ('27, c. 149, § 23, effective May 1, 1927)

PHYSICIANS AND SURGEONS

5706. Board of medical examiners—There shall be created a State Board of Medical Examiners which shall consist of seven qualified resident physicians appointed by the Governor, within 60 days after this act shall take effect, in the manner hereinafter prescribed. The terms of office of the members first appointed shall begin when they are appointed and qualify and shall continue thereafter for the following periods: One member until May 1, 1928; one member until May 1, 1929; one member until May 1, 1930; one member un-

til May 1, 1921; one member until May 1, 1932; one member until May 1, 1933; and one member until May 1, 1934. Upon the expiration of such terms respectively, the Governor shall appoint a successor to the member whose term expires for a term of seven years and until his successor shall have qualified. For each of the above terms of the first Board to be appointed hereunder, the Council of the Minnesota State Medical Association shall recommend to the Governor three physicians qualified to serve on said Board and the Governor may make the appointment for each term from the list of persons so recommended. Each year thereafter said Council of the Minnesota State Medical Association, at least 30 days prior to the expiration of the term expiring in such year shall recommend to the Governor three physicians qualified to serve on said Board and from the list of persons so recommended the Governor may appoint one member to said Board for the above prescribed term of seven years. Within 60 days after the occurrence of any vacancy in said Board, said Council of the Minnesota State Medical Association shall recommend to the Governor of the state three physicians qualified to serve on said Board and from the list of persons so recommended the Governor, within 30 days after receiving such recommendation, may appoint one member to said Board for the unexpired term occasioned by such vacancy, and any appointment thereto to fill a vacancy shall be made within ninety days after the occurrence of such vacancy for the balance of the unexpired term. The Board shall elect from among their number a president, a vice president and a secretary-treasurer, who shall each serve for one year or until their successors are elected and qualified. Said Board shall have authority to prescribe such rules and regulations relative to the examination of applicants for license to practice medicine, surgery and obstetrics as may be found necessary. The members of said Board shall have authority to administer oaths and the Board in session to take testimony as to matters pertaining to the duties of the Board. Five members of the Board shall constitute a quorum for the transaction of business. Said Board shall have a common seal, which shall be kept by the secretary, whose duty it shall be to keep a record of all proceedings of the Board, including a register of all applicants for license under this act giving their names, addresses, ages, educational qualifications, and the result of their examination. Said books and registers shall be prima facie evidence of all the matters therein recorded. Said Board shall hold examinations at the seat of government on the third Tuesday in January, April, June and October of each year, and at such other times and places as it shall deem necessary. The members of the State Board of Medical Examiners heretofore appointed and now holding office shall continue in office until the appointment and qualification of members of such Board as herein provided. (R. L. '05, § 2295; G. S. '13, § 4970; amended '21, c. 68, § 1; '27, c. 188, § 1)

Physician defined (102-346, 113+690).

5707. Examination and license—Revocation—A person not already authorized to practice medicine in the state, and desiring so to do, shall apply to the secretary of the board for examination, and pay a fee of 20 dollars for the use of the board, which in no case shall be refunded. At a time appointed, or at the next regular examination, he shall prove that he has completed four entire sessions of not less than 36 weeks at a medical school recognized by the board,

and has received the degree of M. D. or M. B., or, if such attendance was prior to the year 1899, three sessions shall suffice. He shall be examined in surgery, medicine, obstetrics, eye, ear, nose and throat, and such other branches as the board shall deem advisable. After such examination, the board, if five members thereof consent, shall grant him a license to practice medicine. The examination shall be both scientific and practical, and shall thoroughly test the fitness of the candidate. The board may refuse to grant a license to, or may revoke the license of, any person guilty of immoral, dishonorable, or unprofessional conduct, but subject to the right of the applicant to appeal to the district court in the proper county on the questions of law and fact.

The words "immoral, dishonorable or unprofessional conduct" as used in this section shall mean: (a) Procuring, aiding or abetting a criminal abortion; (b) advertising in any manner either in his own name or under the name of another person or concern, actual or pretended, in any newspaper, pamphlet, circular or other written or printed paper or document, professional superiority to or greater skill than that possessed by fellow physicians and surgeons, or the positive cure of any disease, or the curing of venereal diseases, the restoration of "lost manhood," the treatment of private diseases peculiar to men or women, or the advertising or holding himself out to the public in any manner as a specialist in diseases of the sexual organs, or diseases caused by sexual weakness, self abuse, or excessive indulgences, or the advertising of any medicine or any means whatever whereby the monthly periods of women can be regulated or the menses re-established, or being employed by or in the service of any person, concern, actual or pretended, so advertising, or in any manner creating a fear of private diseases; (c) The obtaining of any fee, or offering to accept a fee on the assurance or promise that a manifestly incurable disease can be or will be cured; (d) willfully betraying a professional secret; (e) habitual indulgence in the use of drugs; (f) conviction for willfully violating any narcotic law; (g) conviction of offense involving moral turpitude; (h) conviction of a felony. (R. L. '05, § 2296; amended '09, c. 474, § 1; '27, c. 188, § 2) [4971] 41-69, 42+696; 55-20, 56+256.

Not unconstitutional, as depriving of property without due process (103-360, 123+1074). Must be construed with other sections of Revised Laws. Did not authorize appeal from refusal of license applied for by physician from another state (120-313, 139+500). License fees received by the secretary and treasurer of the state board of medical examiners under this act may be retained by the board, notwithstanding § 111, requiring executive officers to pay all fees and charges received by them into the state treasury (124-151, 144+755).

Malpractice. 157-437, 196+564.

The evidence made the question as to defendant's negligence in caring for plaintiff as his physician one for the jury. 158-205, 197+102.

Actions for malpractice. 165-320, 206+650.

5708. Physicians from other states, how licensed—
[Repealed.]

This section is repealed by Laws 1927, c. 188, § 5.

See following section.

Cited (120-313, 139+500).

5709. Licensing of physicians licensed by boards of other states or National Board of Medical Examiners—That the state medical examining board, either with or without examination, may grant a license to any physician licensed to practice by a similar board of another state or the National Board of Medical Examiners, and who holds a certificate of registration showing that an examination has been made by the proper

board in which an average grade of not less than seventy-five (75) per cent was awarded to the holder thereof, the said applicant and holder of such certificate having been at the time of said examination the legal possessor of a diploma from a medical college in good standing in this state, which said diploma may be accepted in lieu of an examination as evidence of qualification. In case the scope of said examination was less than that prescribed by this state the applicant may be required to submit to an examination in such subjects as have not been covered. The fee for such examination shall be \$75.00.

A certificate of registration or license issued by the proper board of any state may be accepted as evidence of qualification for registration in this state; provided, the holder thereof was at the time of such registration the legal possessor of a diploma issued by a medical college in good standing in this state and that the date thereof was prior to the legal requirements of the examination test in this state. ('05, c. 236; amended '13, c. 139, § 1; '19, c. 251, § 1; '27, c. 188, § 3) [4973]

Action of examiners in refusing to grant license to physician from another state, applied for under 1905 c. 236 not appealable (120-313, 139+500; 124-151, 144+755).

5710. Retaliatory provisions—If by the laws of any state or the rulings or decisions of the appropriate officers or boards thereof, any burden, obligation, requirement, disqualification or disability is put upon physicians registered in this state or holding diplomas from medical colleges in this state which are in good standing therein, affecting the right of said physicians to be registered or admitted to practice in said state, then the same or like burdens, obligations, requirements, disqualification, or disability shall be put upon the registration in this state of physicians registered in said state or holding diplomas from medical colleges situated therein. ('05 c. 236, amended '13 c. 139 § 2) [4974]

120-313, 139+500.

5711. [Superseded.]
See § 5709, herein.

5712. Duty of secretary—Moneys how paid—Compensation, expenses, etc.—The secretary of the board shall provide the board with blanks, books, certificates and such stationery as is necessary for the transaction of the business pertaining to its duties, and all money received by the secretary shall be paid into the state treasury quarterly. The secretary of the board shall give a bond in the sum of ten thousand dollars (\$10,000) to the state of Minnesota for the faithful performance of his duties. The members of the board shall receive as compensation for their services the sum of ten dollars (\$10) per day, to be fixed by the board for each day he is in actual attendance at regular and special meetings of said board, and the secretary and other members of the board shall receive all expenses actually and necessarily incurred by them in attending such meetings. The secretary shall receive a salary of eighteen hundred dollars (\$1,800) per annum and the stenographer to the secretary a salary of nine hundred dollars (\$900) per annum, payable monthly; and the sum of eight hundred dollars (\$800) per annum shall be allowed the secretary for blanks, stationery, printing and the maintenance of the office. The salary and expenses of the members of the board shall be paid quarterly and the compensation and expenses of the secretary semi-annually by the state treasurer on warrants signed by the president and secretary, drawn by the state auditor on the state

treasurer. ('05 c. 236, amended '13 c. 139 § 4; '21 c. 68 § 2) [4976]

Moneys received by board paid into state treasury. See § 53-47, herein.

5713. Licensing of itinerant physicians by state board—That any physician practicing medicine surgery or obstetrics, or professing or attempting to treat, cure or heal diseases, ailments or injuries by any medicine, appliance or method, who by himself, agent or employe goes from place to place, or from house to house, or by circular letters or advertisement, solicits persons to meet him for professional treatment at places other than his regular offices or residence, shall be considered an itinerant physician. Any such itinerant physician shall, in addition to his regular license to practice medicine in this state, procure from the state board of medical examiners, a license as an itinerant physician. Any physician licensed to practice in this state desiring to secure a license as an itinerant physician, shall make an application therefor to the state board of medical examiners, setting forth in detail such information as said board may require. Said board shall examine into said application, the qualification, character and reputation of the applicant and the question as to whether the public interest will be subserved by the granting of such itinerant license and if it shall determine that such license should be granted, it shall pass a resolution to that effect, to be spread upon its minutes and upon the payment of \$300 to the secretary of said board, an itinerant physician's license shall be issued to said applicant for a period of one year from the date thereof; said secretary shall forthwith pay said license fee into the state treasury, for the use of the Board.

The board may cancel any itinerant physician's license so issued by it upon satisfactory evidence of the incompetency or gross immorality of the licensee. ('11 c. 260 § 1, amended '17 c. 362 § 1) [4977]

5714. Offenses—Any person practicing medicine as an itinerant physician as defined in section 1 (5713) hereof, without first having procured such license therefor shall be guilty of a gross misdemeanor;

Provided, however, that nothing herein shall be considered to prevent any physician otherwise legally qualified, from attending patients in any part of the state to whom he shall be called in the regular course of business or in consultation with other physicians;

Provided, that nothing in this act shall preclude licensed dentists or optometrists from practice of their profession. ('11 c. 260 § 1, amended '17 c. 362 § 1) [4978]

5715. Record of licenses—Report to secretary—Before engaging in practice, the holder of a license shall file the same for record with the clerk of the district court in the county where he resides. Upon removal to another county, he shall there file his license in like manner before engaging in practice therein. Such clerk shall keep, in the record book of such licenses, an index thereof, showing the date and page of record, and in January of each year shall furnish to the secretary of the board a list of licenses so filed. Upon notice to the clerk of the death or removal of a licensee, or of the revocation of a license, he shall note the same upon the record of such license. (2298) [4979]

Cited (124-151, 174+755).

Registration records filed with Secretary of State. See § 53-47, herein.

5716. Exemptions—This subdivision shall not apply to commissioned surgeons of the United States army or navy, to physicians from other states in actual con-

sultation here, or to students practicing under the direct supervision of a preceptor while they are enrolled in and regularly attending a recognized medical school. (2299) [4980]

G. S. 1894 § 7895 cited (96-509, 105+188).
124-151, 144+755.

5717. Practicing without license—Penalty—Every person not heretofore authorized by law so to do who shall practice medicine in the state without having obtained the license herein provided for, and every person who shall so practice contrary to any provision of this subdivision, shall be guilty of a gross misdemeanor. Any person shall be regarded as practicing within the meaning of this subdivision who shall append the letters M. D. or M. B. to his name, or for a fee prescribe, direct or recommend for the use of any person, any drug, or medicine or other agency for the treatment or relief of any wound, fracture, or bodily injury, infirmity or disease; provided this section shall not apply to persons legally authorized to practice healing or excepted from the practice of healing in this state so long as they confine their activities within the scope of their respective licenses, nor to persons who endeavor to prevent or cure disease or suffering exclusively by mental or spiritual means or by prayer. (2300) [4981] (Amended '27, c. 188, § 4)

Gist of offense (96-509, 105+188).
140-190, 167+563; 144-437, 175+915.

5718. Physicians and surgeons prohibited from splitting fees—It shall be unlawful for any physician or surgeon to divide fees with, or to promise to pay a part of his fee to, or pay a commission to any other physician or surgeon or person who calls him in consultation or sends patients to him for treatment or operation. ('17 c. 365 § 1)

5719. Punishment for violation—Any physician or surgeon who pays or receives any money prohibited by this act shall be punished by a fine of not to exceed one hundred (\$100) dollars or imprisonment in the county jail not to exceed ninety (90) days. ('17 c. 365 § 2)

5720. Revocation of license—In case a physician or surgeon shall be convicted of violating any of the provisions of this act, the state board of medical examiners upon a first conviction may, and upon a subsequent conviction shall revoke the license of the person so convicted, but such revocation shall be subject to the right of the person whose license has been so revoked, to appeal to the district court of the proper county on questions of law and fact. ('17 c. 365 § 3)

MIDWIVES

5721. Midwifery defined—Within the meaning of this subdivision, a person who shall publicly profess to be a midwife, or who for a fee shall attend to women in childbirth, shall be regarded as practicing midwifery. But nothing herein shall apply to gratuitous emergency services, or to authorized medical practitioners. (2301) [4982]

5722. Midwifery licenses—A person desiring to practice midwifery in the state, if not already authorized so to do, shall apply to the state board of medical examiners for a license. Such license shall be granted upon the production of a diploma from a school of midwifery recognized by the board, or, after examination of the applicant, upon the consent of seven members thereof. Examinations shall be held concurrently with those provided for applicants for physicians' licenses. The fee for a license granted on

diploma shall be one dollar, and on examination two dollars. (2302) [4983]

Fees received under this act may be retained by the board, notwithstanding § 111, requiring executive officers to pay into the state treasury fees and charges received by them (124-151, 144+755).

5723. Renewal, revocation, and refusal—All licenses to practice midwifery, heretofore or hereafter issued by the board must be annually renewed, and a fee of one dollar be paid for each renewal. Licenses may be revoked or renewals thereof refused by the board for unprofessional or dishonorable conduct, or neglect to make proper returns to health officers of births, deaths, puerperal fever, and other contagious diseases. (2303) [4984]

MATERNITY HOSPITALS

Laws 1917, c. 212, was an act entitled: "An act for the protection of children who are not in the homes and under the immediate control of their parents or guardians, and for the regulation of agencies receiving such children for care or placing out, and women during confinement, and to repeal Section 4050 and Sections 4985 to 4992 inclusive, General Statutes, 1913." Section 22 of said act repealed G. S. '13, §§ 4050 and 4985 to 4992. Said act was held unconstitutional as containing more than one subject (143-137, 173+102). Laws 1919, Ex. Sess. c. 50 (§§ 4550 to 4559 herein) contains, as maternity hospitals or lying in homes, the provisions of said Laws 1917, c. 212. Laws 1919, Ex. Sess. c. 51 (§§ 4560 to 4576, herein) contains, as to the care and disposition of children generally, the provisions of said Laws 1917, c. 212.

CHIROPRACTORS

5724. State board of chiropractic examiners—There is hereby created and established a board to be known by the name and style of State Board of Chiropractic Examiners. ('19 c. 64 § 1)

5725. Definition—For the purpose of this act, chiropractic is hereby defined as being the science of adjusting any abnormal articulations of the human body, especially those of the spinal column, for the purpose of giving freedom of action to impinged nerves that may cause pain or deranged function. ('19 c. 64 § 2)

5726. Appointment of board by governor and qualifications—That within thirty days after the passage of this act, the governor shall appoint a state board of chiropractic examiners, consisting of five resident chiropractors, who shall have practiced chiropractic in this state at least three years immediately prior to the time of appointment, all of whom shall be graduates of a course in chiropractic, but no two of whom shall be a graduate of the same school or college of chiropractic; one to serve for one year, one to serve for two years, one to serve for three years, one to serve for four years, and one to serve for five years, and until their successors are appointed and qualified, and one every year thereafter to the end that each member shall serve five years after the first appointment. Vacancies caused by death or otherwise shall be filled by the governor within sixty (60) days. No member of said board shall be financially interested in any chiropractic school or college, or be in any way affiliated with the practice of other methods of healing as are now regulated by law in the state of Minnesota. ('19 c. 64 § 3)

5727. Organization and procedure—Said board shall, within thirty days after being so appointed, assemble at the Capitol building in St. Paul, Minnesota, and then and there organize by electing a president, vice president and a secretary-treasurer to serve for one year, or until their successors are elected and qualified. The officers of the board shall have power to administer oaths, summon witnesses and take testi-

mony as to matters pertaining to its duties. They shall adopt a minimum of educational requirements not inconsistent with the provisions of this law, which shall be without prejudice, partiality or discrimination as to the different schools or colleges of chiropractic. Said board shall meet twice in each year on the first Tuesday of the month of March and September, and at such other times as the majority of the board may deem proper. Three members shall constitute a quorum for the transaction of business. The secretary shall keep a record of its proceedings. Said report shall be prima facie evidence of all matters therein recorded. Within thirty days after the organization of said board it shall notify all persons known to be engaged in the practice of chiropractic in this state of the provisions of this act by publishing notice of this act in one issue of a daily paper in each of the cities of St. Paul, Minneapolis and Duluth, such publication to be made within thirty days after the organization of said board. ('19 c. 64 § 4)

5728. License and fee—Necessary qualifications—At its first meeting the board members shall issue to the members thereof a license to practice chiropractic, for which each member shall pay a fee of twenty-five dollars (\$25.00). Said board shall have a common seal and shall formulate rules to govern its actions. All persons who have been engaged in the practice of chiropractic in this state six months or more immediately prior to the passage of this act, shall within sixty days after its passage, make a personal or written application to the board of examiners for a license to practice. All applicants shall be required to furnish documentary evidence of having completed his or her course in chiropractic; also an affidavit signed by three citizens who reside in the town or city in which applicant practices, setting forth that the applicant is a resident of this state and has practiced chiropractic six months or more, immediately prior to the passage of this act, and upon payment of a fee of twenty-five dollars (\$25.00) the board shall issue the applicant a license to practice chiropractic. Provided, however, that any chiropractor who was actually engaged in the practice of chiropractic in the state of Minnesota at the time of his enlistment in the organized military or naval service of the United States, or of any allied power friendly to the United States during the late war, may make the application hereinbefore provided for within sixty days after the passage of this act, or in case of his discharge subsequent to the passage of this act, then within sixty days after his discharge. ('19 c. 64 § 5)

5729. Examination of applicants—Any person desiring to commence the practice of chiropractic in this state after the passage of this act, or who shall not have been practicing in this state six months immediately prior to the passage of this act, shall make a written application to the secretary of the board for a license and appear at its first regular meeting thereafter. The applicant shall furnish evidence of having completed a High School Course, or of education qualifications required for admission as a student to the University of Minnesota, or other University of equal standing, and taken a three-year resident course of eight months each, or more, and after April 1, 1931, four years of eight months each, no two of which courses shall be taken in any one year, in a chartered school or college of chiropractic, wherein the curriculum of studies includes instruction in the following branches, to-wit: anatomy, physiology, symptomatology, pathology, hygiene, dietetics, diagnoses, urinalysis,

chiropractic orthopedy, intellectual adaption and the science and art of chiropractic. An examination for a license shall be in writing. The applicant shall be required to give practical demonstration in vertebral palpation, nerve tracing and adjusting. A license countersigned by the members of the board and authenticated by the seal thereof, shall be granted to each applicant who shall correctly answer 75 per centum of the questions propounded in each of the above subjects. All applications shall be accompanied with a fee of \$25. Such fee shall not be returned in the event of failure to pass, but the applicant may, within six months, present himself for examination without the payment of an additional fee. Provided, however, that such examination may be waived as to any person who has been licensed to practice chiropractic in another state whose requirements are equal to the provisions of this act, upon the payment of a fee of \$25. ('19, c. 64, § 6; amended '27, c. 230)

5730. Renewal fee—Fees to be paid to state treasurer—Report—(a) All persons practicing chiropractic within this state or licensed so to do shall pay on or before the first day of September of every year after a license is issued to them as herein provided, to said board of chiropractic examiners a renewal fee of five dollars or such sum as may be fixed by said board, but not exceeding \$10 in any one year. The secretary-treasurer shall, 30 days or more before September first of every year mail to all chiropractors of this state a notice of the fact that the renewal fee will be due on or before the first of September. Nothing in this act shall be construed so as to require that the renewal receipts shall be recorded as original licenses are required to be recorded.

(b) All fees received by said board under this act shall be paid to the secretary-treasurer, who shall forthwith deposit the same with the state treasurer in a separate fund of the state board of chiropractic examiners for their use and shall pay the same out only upon written orders issued and signed by the secretary-treasurer and president of said board. All expenses incurred and authorized by the board in carrying out the provisions of this act shall be paid out of this fund, and not otherwise.

(c) The secretary-treasurer shall, on the first Tuesday of October, of every year, file with the governor of the state a report of all receipts and disbursements and proceedings of said board for the fiscal year. He shall also give bonds in such sum and such sureties as the board shall deem necessary. The members of the board shall receive a fee of \$10 per day and mileage at the rate of three cents per mile, and other necessary incidentals, in attending the meetings of said board. ('19, c. 64, § 7; amended '27, c. 230)

Explanatory note—Moneys received by board paid into state treasury. See § 53-47, herein.

5731. Recording of licenses—Rules and regulations—Chiropractics not practice of medicine, surgery, or osteopathy—(a) Every person holding a license from the state board of chiropractic examiners, shall have it recorded in the office of the clerk of the district court of the county in which applicant practices, and the date of recording shall be indicated thereon. Said clerk shall keep in a book provided by him for the purpose, a complete list of the licenses recorded, for which he shall receive a fee of one dollar (\$1.00) for each license so recorded.

(b) Chiropractors shall be subject to the same rules and regulations both municipal and state, that govern other licensed doctors or physicians in the control of

contagious and infectious diseases, and shall be entitled to sign health and death certificates beginning January first, 1931, and to all rights and privileges of other doctors or physicians in all matters pertaining to the public health, except prescribing internal drugs or the practice of surgery and obstetrics.

(c) The practice of Chiropractic is hereby declared not to be the practice of medicine, surgery, or osteopathy. ('19, c. 64, § 8; amended '27, c. 230)

Explanatory note—Registration records filed with Secretary of State. See § 53-47, herein.

5732. Offenses—Penalty—Any person who shall practice or attempt to practice chiropractic or who shall use any of the terms or letters "Doctors of Chiropractic," "Chiropractor" "D. C." or any other title or letters under any circumstances as to lead the public to believe that the person that so uses such terms is engaged in the practice of chiropractic without having complied with the provisions of this act, shall be deemed guilty of a gross misdemeanor, and upon conviction thereof, shall be fined not less than \$50 nor more than \$100 or be imprisoned in the county jail for not less than 30 days nor more than six months, or both fine and imprisonment, in the discretion of the court. It shall be the duty of the county attorney of the county in which such person practices, to prosecute under this act. Provided, however, that nothing in this act shall be considered as interfering with any person engaged in other methods of healing as are now regulated by the law in the state of Minnesota. ('19, c. 64, § 9; amended '27, c. 230)

5733. Revocation of licenses—Issue of new licenses—(a) The state board of chiropractic examiners may refuse to grant or revoke a license to practice chiropractic in this state, or may cause the name of a person licensed to be removed from the records in the office of the Clerk of the District Court in this state upon any of the following grounds, to-wit: The publishing or distributing, or causing to be published or distributed in newspapers, magazines, directories, pamphlets, posters, cards, or in any other manner by advertisement, where in the term "cure" or "guarantee to cure" or similar terms are used; (the same is hereby declared to be fraudulent and misleading to the general public.) The employment of fraud or deception in applying for a license or in passing an examination provided for in this act; the practice of chiropractic under a false or assumed name or the impersonation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, narcotics or stimulants; failure to pay the annual renewal license fee herein provided. Any person duly licensed, or who is an applicant for a license to practice chiropractic against whom any of the foregoing grounds for revoking or refusing a license is presented to said board with a view of having the board revoke or refuse to grant a license, shall be furnished with a copy of the complaint, and shall have a hearing before said board in person or by attorney, and witnesses may be examined by said board respecting the guilt or innocence of said accused. In case a license is revoked by the state board of chiropractic examiners, a copy of the order of revocation duly certified by the secretary of the board shall forthwith be filed by said secretary in the office of the clerk of the district court in which the revoked license was filed, and the clerk of the district court where the same is filed shall make a notation of such revocation in the book in which the

record of said license is kept and shall cancel such revoked license. Said clerk shall receive a fee of \$1.00 for filing such order of revocation and making said notation and cancellation which shall be paid from the funds of said state board.

(b) Said board may at any time within two years of the refusal or revocation or cancellation of a license under this section, by a majority vote, issue a new license or grant a license to the person affected, restoring him to or conferring upon him all the rights and privileges of, and pertaining to the practice of chiropractic as defined and regulated by this act. Any person to whom such have been restored shall pay to the Secretary-treasurer the sum of \$25 upon issuance of a new license. ('19, c. 64, § 10; amended '27, c. 230)

5734. Inconsistent acts repealed—All acts and parts of acts conflicting with the provisions of this act are hereby repealed. ('19 c. 64 § 11)

OSTEOPATHY

5735. State board of osteopathy—Per diem and expenses—The state board of osteopathy shall consist of five osteopathic physicians, graduates of reputable incorporated schools of osteopathy, appointed by the governor, each for the term of five years and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired term. No member thereof shall be a member of the faculty of, or financially interested in any such school. The board shall elect from among their number a president and a secretary, prescribe rules for the management of its affairs, and adopt a seal. It shall meet to examine applicants for licenses to engage in the practice of osteopathy on the second Tuesday in March and September in each year, and hold such other meetings as may be necessary. Each member shall receive ten dollars a day for each day necessarily occupied in the performance of his duties and his actual and reasonably necessary expenses, to be paid out of the funds of the board. The secretary shall keep a record of all proceedings, including therein the name of every applicant for examination, the extent of his study and practice, and the name of his college or school of osteopathy, if any. Such record shall be prima facie evidence of the matters therein contained. The secretary shall be paid such compensation as shall be fixed by the board. (R. L. '05 § 2307; G. S. '13 § 4993; amended '23 c. 343 § 1)

5736. Practice of osteopathy—Licenses—Penalties—The practice of osteopathy is hereby declared distinct from that of medicine or surgery within the meaning of the law, and nothing in this subdivision shall apply to practitioners of any other system of healing. Osteopathic physicians, when duly licensed, shall have the same rights and powers, and shall be subject to the same duties as other physicians with reference to matters pertaining to the public health; including the reporting of births and deaths. Osteopathic physicians, when duly licensed, shall have the right to practice osteopathy as taught in reputable colleges of osteopathy, including the use and administration in connection with the practice of obstetrics, minor surgery and toxicology only of anaesthetics, narcotics, antidotes and antiseptics, subject, however, to the same state and federal restrictions and limitations as are by law applicable to physicians and surgeons licensed to practice medicine and surgery. No person who is not a holder of a license from the state board of osteopathy shall engage in the practice of osteop-

athy in treating diseases of the human body, or by use of titles or initials indicating degrees, or in any other way, hold himself out as so engaged. Every person who shall violate any of the provisions of this subdivision shall be guilty of a misdemeanor the minimum punishment whereof shall be a fine of fifty dollars or thirty days' imprisonment. All fines collected under the provisions hereof shall be paid, one-half into the school fund of the county in which conviction is had, and one-half to the state board of osteopathy. The board shall investigate suspected violations of this subdivision, and institute prosecutions thereunder. (R. L. '05 § 2308; G. S. '13 § 4994, amended '23 c. 343 § 2)

A duly licensed osteopathic physician is authorized to practice obstetrics in this state. 167-266, 208+993.

5737. Application for license—Examination—Fees—Subdivision 1. Every person desiring to engage in the practice of osteopathy shall apply in writing to the secretary of the board for a license, and appear for examination at the first meeting thereafter. He shall pay an examination fee of twenty-five dollars, which shall entitle him to a second examination within a year if he fails in the first. He shall produce his diploma, and prove to the board that he has had a preliminary education, equivalent to a four year high school course; that he is a graduate of a reputable school or college of osteopathy, which, as a prerequisite to graduation, requires the completion of a four year course of nine months each. The school or college must include in its curriculum instruction in anatomy, chemistry, dietetics, diagnosis, gynecology, histology, obstetrics, pathology, physiology, minor surgery, symptomatology, toxicology, urinalysis, the theory and practice of osteopathy, hygiene, the administration of anaesthetics, narcotics and antidotes, and the use of antiseptics. Upon the applicant's passing the board's examination in the foregoing subjects it shall grant him a license. The board may waive the examination in case the applicant holds a diploma from an osteopathic school, without regard to the period of study on which the diploma was issued, and has been licensed by an examining board of another state, whose requirements are equal to those of the State of Minnesota, upon payment of a fee of fifty dollars. Except as hereinbefore expressly authorized as to the administration of anaesthetics, narcotics, antidotes and the use of antiseptics, the license shall not authorize the holder to give or prescribe drugs for internal use or perform major surgery.

Subdivision 2. A college or school of Osteopathy shall be deemed "reputable" within the meaning of this act, which requires its students, as a condition of graduation to complete substantially the number of hours of class room study in the subject hereinafter respectively specified; to-wit: Anatomy (descriptive, regional, applied, surgical and dissection), six hundred hours; Embryology, seventy hours; Chemistry (advanced, including Organic and Physiological Chemistry and Toxicology), three hundred hours; Histology, one hundred eighty hours; Physiology, three hundred hours; Pathology, two hundred forty hours; Bacteriology, one hundred fifty hours; Hygiene, sixty hours; Hydrotherapy, sixteen hours; X-Radiance and Electrical Diagnosis, thirty-six hours; Dietetics, thirty-two hours; Osteopathy, including (a) Principles of Osteopathy, (b) Osteopathic Technique, and (c) Practice of Osteopathy, (including diseases of nervous system, Alimentary Tract, Heart and Vascular System, Genito-Urinary Diseases, Ductless Glands and Metabolism,

Respiratory Tract, Bone and Joint Diseases, Corrective Gymnastics, Acute and Infectious Diseases, Pediatrics, Dermatology, Syphilis, Psychiatry, Diagnosis,—Physical Laboratory and Differential,—Clinical Practice Case Recording), fourteen hundred and sixty-six hours; Minor Surgery, with emphasis on fractures and dislocations, principles of surgery, and surgical diagnosis, Orthopedics, Orificial and Chemical, and the use and administration of anaesthetics, narcotics, and antiseptics, four hundred hours; Eye, Ear, Nose and Throat, one hundred eighty hours; Gynecology, one hundred sixty hours; Obstetrics, two hundred hours; Professional Ethics and Efficiency, sixteen hours; Jurisprudence, sixteen hours; Total forty-four hundred and twenty-two hours. Provided, however, that the number of hours herein prescribed for the study of any subject may be reduced not more than thirty per cent, but the total number of hours prescribed shall not be reduced. (R. L. '05 § 2309, amended '09 c. 430 § 1, amended '23 c. 343 § 3) [4995]
167-266, 208+993, note under § 5736.

5738. Record of licenses—Before engaging in practice, the holder of every license shall file the same for record with the clerk of the district court in the county where he resides. Upon removal to another county, he shall there in like manner file his license before engaging in practice therein. Such clerk shall keep, in a book provided for the purpose, a complete list of such licenses, giving the date of record. His fee for recording shall be one dollar, and the same for a certified copy. (2310) [4996]

Registration records filed with Secretary of State. See § 53-47, herein.

5739. Licenses, refusal of—Revocation—The board may refuse to grant a license to, or may revoke the license of, any person who:

1. Has been convicted of a felony, or any offence involving moral turpitude;
2. Is so addicted to the use of liquor or any drug as to unfit him for the practice;
3. Procures, or aids or abets the procuring of, a criminal abortion;
4. Obtains any fee by claiming ability to permanently cure a disease manifestly incurable; or
5. Wilfully betrays professional confidence or secrets.

No license shall be revoked except upon notice and hearing. (2311) [4997]

5740. Disposition of fees and fines—All fees and money received from fines imposed under this subdivision shall be received and held by the secretary and devoted to the uses of the board, which shall incur no expense beyond the amount so received. The secretary shall give such bond as the board may from time to time require. (2312) [4998]

Moneys received by board paid into state treasury. See § 53-47, herein.

NURSES

5741. Registration—It shall be unlawful for any person to practice professional nursing as a registered nurse in this state unless such person shall have first obtained a certificate of registration as provided in this act. ('07 c. 153 § 1) [4999]

5742. Nurses—Board of examiners—A board of examiners to consist of five persons is hereby created to carry out the purposes and enforce the provisions of this act. Said board shall be appointed by the governor, and the appointments shall be made from nurses engaged in active work who have been graduated for

at least a period of five years from reputable training schools, and whose course of training is not less than three years' duration in actual hospital service, provided, that there shall always be two of said members on said board selected from nurses who have had at least two years' experience in educational work among nurses, or who have had two or more years' experience in the instruction of nurses in training schools; and provided, further that after the appointment of the first board the nurses appointed on each succeeding board shall be appointed from the nurses registered under this act. ('07 c. 153 § 2, amended '23 c. 148 § 1) [5000]

5743. Term—Bond—Oath—Each member of said board shall serve for a term of five years and until his or her successors are appointed and qualified, except in the case of the first board, whose members shall hold office as follows: One member shall be appointed to hold office for one year, one for two years, one for three years, one for four years, and one for five years. Each member of said board shall give a bond in the sum of one thousand dollars, with securities to be approved by the secretary of state, conditioned for the faithful performance of his or her duties, and shall take the oath provided by law for public officers. Vacancies upon said board caused by death, resignation or expiration of the term of any member thereof shall be filled by appointment by the governor. ('07 c. 153 § 3) [5001]

5744. Officers—Bond—Said board shall elect from its members a president, a secretary and a treasurer, and shall have its headquarters at St. Paul, Minn.; shall have a common seal, and the secretary and president shall have power to administer oaths. The treasurer shall give bond in the sum of \$2,000.00. Said board may appoint an educational director. ('07 c. 153 § 4, amended '23 c. 148 § 2) [5002]

5745. Compensation—Each member of said board shall receive a compensation of five dollars per day for each day of actual service, and ten cents per mile for each mile actually traveled in attending the meetings of the board; said board may fix the salary of its secretary and the educational director, which salaries, compensation and expenses shall be paid out of any moneys in the hands of the treasurer of said board, provided that said compensation, salaries and expenses, and mileage, shall in no event be paid out of the state treasury. ('07 c. 153 § 5, amended '23 c. 148 § 3) [5003]

5746. Excess funds—Any money in the hands of the treasurer at the end of any year in excess of \$2,000.00 shall be paid over by said board to the state treasurer, to be kept by him for the future maintenance of the board, and to be disbursed by him upon warrants signed by the president and treasurer of said board. ('07 c. 153 § 6, amended '23 c. 148 § 4) [5004]

5747. Examinations — Notices — Fee — Qualification—Said board shall hold public examination at least once in each year at such times and places as it may determine, and notice of the time and place of such examination shall be given by a publication thereof at least ten days before such examination, in a daily newspaper published at the capitol of the state, and said board may give such other notice as it deems advisable. Any person desiring to obtain a certificate of registration under this act shall make application to said board therefor, and shall pay to the treasurer of said board an examination fee of \$15.00, and shall present himself or herself at the next regular meeting of said board for examination of applicants, and upon

said board being satisfied that the applicant is (1) of the age of twenty-one years or over, (2) of good moral character, (3) has received an education equivalent to that required for admission into high schools of this state, and (4) has graduated from a training school connected with a general hospital where three years of training, with a systematic course of instruction is given in the hospital, or has graduated from a training school in connection with a hospital of good standing supplying a systematic three years' training corresponding to the above standards, which training may be obtained in two or more hospitals, said board shall proceed to examine said applicant in both theoretical and practical nursing, and upon such applicant passing said examination to the satisfaction of said board, said board shall enter said applicant's name in the register, hereinafter provided for, and shall issue to said person a certificate of registration authorizing said person to practice the profession of nursing as a registered nurse. ('07 c. 153 § 7, amended '23 c. 148 § 5) [5005]

Moneys received by board paid into state treasury. See § 53-47, herein.

5748. Registration without examination—All nurses graduating prior to Jan. 1, 1918, and having had five years' actual experience in nursing, who shall on or before the first day of August, 1923, make application and produce to the board satisfactory evidence verified by the oath of the applicant that the applicant, during all of the year 1923, was and is a legal resident of this state and a graduate of a school of nursing meeting with the approval of said board, and giving a course in nursing of not less than two years, shall be permitted to register without examination upon payment of the registration fee. Provided, that this section shall not apply to nurses registered prior to the passage of this act. ('07 c. 153 § 8, amended '23 c. 148 § 6) [5006]

5749. Special examination—Graduates of training schools in connection with special hospitals, giving a two years' course, who shall obtain one year's additional training in an approved general hospital, shall be eligible for registration without examination before Jan. 1st, 1910, or said graduates shall be eligible for registration prior to said date upon passing a special examination before the board of examiners in subjects not adequately taught in the training schools from which they have been graduated. ('07 c. 153 § 9) [5007]

5750. Practical examination for registration within two years—Any applicant who has pursued as a business the vocation of nursing for a period of not less than five years prior to the passage of this act, and who presents to the board a certificate testifying that he or she is competent to give efficient care to the sick, said certificate to be signed by one licensed physician and two registered nurses, shall be entitled to take a practical examination for state registration only during the two years immediately following the passage of this act. ('07 c. 153 § 10) [5008]

5751. Applicants registered in other states—The board of examiners may issue license without examination, upon the payment of \$15.00 registration fee, to applicants from another state or foreign country whose qualifications are equivalent to those required by this act and who shall produce to said board satisfactory evidence verified by the oath of the applicant of the fact that said applicant was duly licensed by said state or foreign country to practice therein as a registered nurse. ('07 c. 153 § 11, amended '23 c. 148 § 7) [5009]

5752. Act not to apply, to whom—This act shall not be construed to apply to the gratuitous nursing of the sick by friends or members of the family, and also it shall not apply to any person nursing the sick for hire but who does not in any way assume to be a registered nurse. ('07 c. 153 § 12) [5010]

5753. Register—Said board shall keep a register in which shall be entered names of all persons to whom certificates are issued under this act, and said register shall at all times be open to public inspection. ('07 c. 153 § 13) [5011]

Registration records filed with Secretary of State. See § 53-47, herein.

5754. Registered nurse—A person who has received his or her certificate according to the provisions of this act shall be styled and known as a "Registered Nurse." No other person shall assume such title or use the abbreviation "R. N." or any other letters or figures to indicate that he or she is a registered nurse. ('07 c. 153 § 14) [5012]

5755. Revocation of certificate—Said board of examiners may revoke any certificate for sufficient cause, but before this is done the holder of said certificate shall have thirty days' notice, and after a full and fair hearing of the charges made, by a majority vote of the whole board, the certificate may be revoked. ('07 c. 153 § 15) [5013]

5756. Penalty for violation—Any person violating any of the provisions of this act, or who shall wilfully make any false representation to the board of examiners in applying for a certificate shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than one hundred dollars and not less than ten dollars. ('07 c. 153 § 16) [5014]

DENTISTS

5757. Board of dental examiners—Appointment—The Board of Dental Examiners shall consist of five practicing dentists of the state appointed by the Governor, each for the term of five years and until his successor qualifies, and no member shall serve more than two consecutive terms. The board shall at all times include three members who shall have been appointed on the recommendation of the Minnesota State Dental association, if such recommendation be made at least 90 days before the term of the member of that class expires; otherwise the Governor may appoint without such recommendation. Every vacancy caused otherwise than by the expiration of a term shall be filled in the same manner and from the class to which the retiring member belongs. If the Association is entitled to and fails to recommend a candidate for such unexpired term within thirty days after the vacancy occurs the Governor may appoint without such recommendation. If a member shall be absent from two consecutive regular meetings, the board shall declare a vacancy to exist. The Association shall recommend not less than two candidates for each appointment. (R. L. '05, § 2313; amended '11, c. 221, § 1; '27, c. 98, § 1, effective Jan. 1, 1928) [5015]

Explanatory note—Laws 1927, c. 98, § 8 repeals Gen. St. 1923, § 5761, and all inconsistent acts and parts of acts.

'19 c. 386, amending §§ 5015 to 5021, unconstitutional (1954-914).

5758. Same — Officers — Meetings — Compensation—Report—The board shall elect from its members a president and secretary-treasurer, and shall have a common seal. It shall hold at least two regular meetings each year at times to be fixed by the board, and

may hold special meetings as occasion demands. All meetings shall be held at the College of Dentistry of the State University. Out of the funds coming into the possession of said board, the members thereof shall receive as compensation the sum of \$10.00 per day and necessary traveling expenses for each day actually engaged in the duties of their offices as examiners. The secretary shall in addition thereto, be paid a salary to be fixed by resolution, by the board, not to exceed \$1,200.00 per year.

All fees received by the State Board of Dental Examiners under this act shall be paid to the secretary-treasurer thereof, who shall forthwith deposit the same with the State Treasurer to be kept in a separate fund for the use of said board, and payments out of said fund shall be made only upon written orders issued and signed by the secretary-treasurer of said board. No expense shall be incurred by said board in excess of the revenue derived from such fees. The secretary of the board shall give a bond in an amount to be fixed by resolution of the board, and in form to be approved by the attorney general and conditioned for the faithful discharge of his official duties.

Before January 15 in each year the board shall report its proceedings and the items of its receipts and disbursements to the Governor of the State of Minnesota. (R. L. '05, § 2314; amended '07, c. 117; '11, c. 221, § 2; '27, c. 98, § 2, effective Jan. 1, 1928) [5016]

5759. Practicing dentistry—Exceptions—All persons shall be said to be practicing dentistry within the meaning of this act who shall do any of the acts comprehended within any or all of the following subdivisions:

1. Using or permitting to be used, the word or letters "Dentist" or "D. D. S.," "D. M. D.," or any other words or letters in connection with his name which in any manner represents him as engaged in the practice of dentistry.

2. By himself, or his servants or agents, operating or conducting a place wherein dental examinations, operations or acts prescribed in clause 4 hereof, are performed or attempted to be performed or advertised as a place where they are performed or attempted to be performed.

3. By himself, or his servants or agents, advertising or permitting to be advertised by sign, circular, or hand bill, newspaper, telephone book, or otherwise, that he will perform or attempt to perform any of the dental examinations, operations or act prescribed in clause 4 hereof.

4. By himself, his servants or agents, and for a fee, salary or other reward paid or to be paid either to himself or to any other person for him, diagnose, treat, operate or prescribe for, or attempt to diagnose, treat, operate or prescribe for any disease, lesion, pain, injury, defect, deformity, or physical condition of the human teeth, alveolar process, gums, or jaws, or extract teeth or replace teeth by artificial ones, or correct malpositions thereof.

Provided, however, that this section:

A. Shall not prohibit nonlicensed persons from doing mechanical work upon inert matter in dental offices or laboratories.

B. Shall not apply to students enrolled in and regularly attending any dental college recognized as such by the State Board of Dental Examiners, provided their acts are done in said dental college and under the direct supervision of their instructor.

C. Shall not apply to a legally qualified and licensed physician or surgeon in the performance of

surgical operations or who in emergency cases extracts teeth or relieves pain or prescribes for the relief of pain.

D. Shall not apply to licensed or registered dentists of another state temporarily operating a clinic under the auspices of a duly organized and reputable dental college, or reputable dental society, or to one lecturing before a reputable society composed exclusively of dentists.

E. Shall not apply to licensed dental nurses or hygienists in the performance of their duties as provided by law.

In the construction of this section, the word "person" shall be deemed to include all individuals, corporations, or associations. The word "himself" shall be construed to include "herself," "themselves" or "itself." The word "his" shall be construed to include "her", "them," or "it." The singular shall include the plural.

F. Shall not apply to any person who ministers to or treats the sick or suffering or who treats for the purpose of preventing sickness or suffering by mental or spiritual means, whether gratuitously or for compensation, without the use of any drug or material remedy. (R. L. '05, § 2315; amended '07, c. 117; '11, c. 221, § 3; '27, c. 98, § 3, effective Jan. 1, 1928) [5017]

157-192, 195+914, note under § 5760: 167-266, 208+933. Following State v. Luscher (Minn.) 195 N. W. 914. It is held, that practicing dentistry without a license constitutes a public offense. 161-422, 201+933.

1889 c. 19 constitutional (42-129, 43+789). As amended by 1907 c. 117 did not violate state or federal constitution, as depriving of life, liberty, or property without due process (107-171, 119+660). A person licensed to "practice medicine and surgery" cannot "practice dentistry without license as dentist (106-218, 118+1012).

5760. Examinations—Registration and license—Fees—Revocation—Reinstatement—Lists—A person not already a licensed dentist of the state desiring to practice dentistry therein, shall apply to the secretary of the board for examination and pay a fee of \$25.00 for the first examination and \$25.00 for each subsequent examination which in no case shall be refunded. At the next regular meeting he shall present himself for examination and produce his diploma from some dental college of good standing, of which standing the board shall be the judges, also satisfactory evidence showing that the applicant is of good moral character. The board shall give the applicant such an elementary, practical examination as to thoroughly test his fitness for the practice and include therein the subjects of anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, and operative, surgical and mechanical dentistry; and the applicant shall be required to demonstrate his skill in operative and mechanical dentistry. If the applicant successfully passes the examination, he shall be registered by the board as a licensed dentist, and supplied with a license signed by all members of the board of dental examiner.

Provided, that any dentist who has for five years or more been in legal practice in another state having and maintaining an equal standard of laws regulating the practice of dentistry with this state, including reciprocity provisions, and is a reputable dentist of good moral character and is desirous of removing to this state and deposits in person with the Board of Dental Examiners a certificate from the examining board of the state in which he is registered, certifying to the fact of his registration and that he is of good moral character, and professional attainments, and upon payment of a fee of \$50.00 may, at the discretion of the board, be granted a license to practice in this state without further theoretical examination.

The Board of Dental Examiners may upon written charges filed and after hearing had thereon after 20 days' written notice thereof to the accused, served either personally or by registered mail, addressed to the accused at his last address as known to the Board of Dental Examiners, and in the event of service by registered mail also by publishing a copy of the notice once a week for two consecutive weeks in a legal newspaper published in the village, town or city wherein the accused last resided to the knowledge of the Board of Dental Examiners, suspend or revoke a license obtained by fraud, or misrepresentation, or the license of any dentist found guilty of violating this act by a court of competent jurisdiction, or convicted of a misdemeanor involving moral turpitude or of a felony, or who becomes habitually intemperate or addicted to drugs, or is guilty of gross immorality, or who advertises with a view of deceiving or defrauding the public, or is not otherwise a good moral and upright character.

Provided, however, if any person is aggrieved by any order of said board, he may appeal from any such order to the district court of the county in which he resides within 30 days after notice from the board of the filing of said order mailed to his last known address. The notice of appeal shall state that he appeals to the district court of the county wherein he resides and said notice shall be signed by the person appealing or his attorney, a copy of which notice shall be mailed to the secretary of the said board by registered mail at the usual postoffice of the person appealing or his attorney. Said notice of appeal, with proof of mailing a copy thereof to the secretary of said board, registered as aforesaid, shall be filed in the office of the clerk of the district court of said county within ten days after mailing thereof, and such appeal shall suspend operation of the order appealed from until the appeal is finally determined. The trial of all issues on such appeal shall be de novo by the court and such appeal shall be heard and tried in the same manner as other issues of law and fact are heard and tried in such court, and the order appealed from shall have no force or effect in the determination of such appeal. The district court shall hear and determine the appeal within ten days or as soon thereafter as possible from the date of the filing of the notice of appeal and the proof of mailing of said notice of appeal, at any place in the judicial district to be designated by any of the judges of said court. Upon the trial of said appeal the court may confirm, reverse or modify any order of said board appealed from. A stenographic record shall be kept of all such proceedings.

In such proceedings the Board of Dental Examiners shall have power to compel the attendance of witnesses by subpoena and to compel the giving of testimony under oath. Any dentist whose license has been suspended or revoked may be reinstated and a new license issued to him when in the judgment of the Board of Dental Examiners such action is warranted, provided such reinstated dentist shall pay all costs of the proceedings resulting in his suspension or the revocation of his license and a reinstatement and in addition thereto a fee of \$25.00.

• Within 90 days after the passage of this Act, the secretary of the State Board of Dental Examiners shall file with the Secretary of State, a complete list of all licenses heretofore issued and remaining unrevoked by the State Board of Dental Examiners. The secretary of said Board of Dental Examiners shall likewise notify the Secretary of State of any licenses sub-

sequently issued or revoked or suspended within ten days after issuance or revocation, or suspension by the State Board of Dental Examiners. Said names so filed with the Secretary of State shall be listed by the latter in a book kept for that purpose. (R. L. '05, § 2316; amended '07, c. 117; '11, c. 221, § 4; '27, c. 98, § 4, effective Jan. 1, 1928) [5018]

Moneys received by board paid into state treasury. See § 53-47, herein.

As amended by 1907 c. 117, did not delegate legislative or judicial powers to board, and it was constitutional (107-166, 119+658).

For act permitting resident of state who served in military or naval forces of the United States in the World War, who has been honorably discharged or released from such service and who holds a diploma from the dental college of the University of Minnesota, to obtain a license in certain cases, see '23 c. 105.

Registration records filed with Secretary of State. See § 53-47, herein.

167-343, 209+24.

Constitutional. 166\$496, 207+560.

Chapter 386, Laws 1919, which prescribes the grounds on which a license to practice dentistry may be revoked and makes a violation of specified regulations governing the practice of dentistry a misdemeanor, violates the equality provisions of the Constitution by excluding from the provisions of the act all persons lawfully practicing dentistry at the time of its enactment. 157-192, 195+914.

The previously existing law found in sections 5015 to 5021, inclusive, Gen. St. 1913, prohibits practicing dentistry without a license. 157-192, 195+914.

The act being void, it made no change in the previously existing law. 157-192, 195+914.

A statute is not unconstitutional because it excludes from practice all those who do not hold a diploma from such a college. 161-422, 201+933.

Does not delegate legislative and judicial powers to the state board of dental examiners in violation of any provision of the state or federal Constitution. 161-422, 201+933.

5761. Record of certificate—[Repealed.]

This section is repealed by Laws 1927, c. 98, § 8, effective Jan. 1, 1928.

5762. Annual fees—Change of place of business—

Duplicate licenses—Before the first of May in each year every licensed registered dentist and dental hygienist or nurse shall pay to the Board of Dental Examiners an annual registration fee of three dollars, and in default of such payment the board may, upon hearing and upon 30 days' notice revoke the license of the dentist or hygienist or nurse in default; provided that 30 days before said May 1st written notice duly signed by the president or secretary of the board stating the amount and due date of said fee shall be sent by registered mail to each such licensed dentist or hygienist or nurse; but the payment of such fee on or before the time of hearing, with such additional sum not exceeding five dollars, as may be fixed by the board, shall excuse the default. The board may collect such fee by suit.

Every licensed dentist and dental hygienist or nurse upon changing his place of business shall, within ten days thereafter, furnish the secretary of the Board of Dental Examiners with his new address. He shall not act as a dentist or dental hygienist or nurse for more than ten days after so notifying the secretary unless he shall have received notice, which the secretary shall send him, that the change is noted on the records of the board.

In case of a lost license, and satisfactory proof of the loss or destruction thereof being furnished to the board, the latter may issue a duplicate license, charging a fee therefor of three dollars. (R. L. '05, § 2318; amended '11, c. 221, § 6; '27, c. 98, § 5, effective Jan. 1, 1928) [5020]

5763. Offenses—Penalty—Prosecutions—Display of registration certificates—Disposition of fines—Employment of attorneys—Any person, firm, association, or corporation, found guilty of any of the following acts, shall be deemed guilty of a misdemeanor, and in this connection all officers, employes, or agents of a corporation or association participating therein shall be likewise guilty of a misdemeanor.

1. Practicing dentistry as in this law defined without being first duly licensed.

2. Owning, running, operating, or conducting any room or rooms, office or dental parlors, where dentistry is practiced as defined in this Act, or where dental work of any kind is done or performed or contracted for, wherein an unlicensed person is practicing dentistry contrary to the provisions of this law.

3. Falsely pretending that he holds a license to practice dentistry in this or any other state or country.

4. Practicing or offering to practice, or holding one self out as practicing dentistry under any name except his or her own proper name which shall be the name used in his or her license granted to him or her as a dentist as provided for in this article, provided further that nothing herein shall be construed to prohibit corporations or persons employing duly licensed dentists from practicing as such under a trade name.

5. Making any willfully false statement in any affidavit or other statement required by the Board of Dental Examiners of any applicant for a license.

It shall be no defense for a person prosecuted for practicing under one name, without a license, that he shall have been licensed under a different name, unless it shall be shown that such practice was without intent to defraud or deceive.

Every practitioner of dentistry and dental hygienist or nurse must display conspicuously in the dental office wherein they are practicing, their annual registration certificate. If there are more dental chairs than one, in any dental office the annual registration of the practitioner or hygienist or nurse practicing at each chair must be displayed conspicuously by said chair in plain view of the patient. Any person who shall practice personally or by hiring or procuring another to practice and shall fail to display or cause to be displayed the annual registration certificate of himself and any person practicing or employed to practice as a dentist or dental hygienist or nurse in his dental office or any dental office under his control, shall be guilty of a misdemeanor, and punishable upon a first conviction by a fine of not more than \$100.00 or by imprisonment of not more than 90 days. Any person who shall hire, procure, or employ or induce one who is not duly licensed and registered as a dentist or dental hygienist or nurse shall aid or abet one who is not so licensed and registered in such practice shall be guilty of a misdemeanor.

Whoever shall be convicted of a misdemeanor for a violation of any of the provisions of this act, shall be punished for the first offense by imprisonment in the county jail for not more than three months, or by a fine of not more than \$100.00. For each conviction subsequent to the first; as to any corporation by a fine of \$100.00, and as to any individual by imprisonment in the county jail for not less than 30 days nor more than three months.

All fines collected under the provisions hereof, shall be paid into the general fund of the county in which the conviction occurred.

The Board of Dental Examiners may, when it deems best for the enforcement of this law, employ such

attorney as the Attorney General shall appoint, the compensation of such attorney to be paid out of the funds of the Board of Dental Examiners. (R. L. '05, § 2319; amended '07, c. 117; '11, c. 221, § 7; '27, c. 98, § 6, effective Jan. 1, 1928) [5021]

106-218, 118+1012.

157-192, 195+914, note under § 5760.

5763-1. Division of fees by practitioners—Penalty—It shall be unlawful for any dentist to divide fees with or to promise to pay a part of his fee to, or to pay a commission to any other dentist who calls him in consultation or sends patients to him for treatment or operation, but nothing herein shall prevent licensed dentists forming a partnership for the practice of dentistry, nor to the regular employment of a licensed dentist by another licensed dentist. Any dentist violating this section shall be guilty of a misdemeanor and shall be punished by a fine of not to exceed \$100.00, or imprisonment in the county jail not to exceed 90 days. ('27, c. 98, § 7, effective Jan. 1, 1928)

5764. Dental hygienists—Qualifications—Examination—Registration and license—Any woman of good moral character, being a graduate of an accredited high school or its equivalent, who is a graduate of a training school for dental hygienists requiring a course of not less than two academic years, and approved by the board of dental examiners, or who is a graduate of a training school for nurses and has received at least three (3) months' clinical training in dental hygiene in any approved training school for dental nurses, may upon payment of ten dollars be examined by said board on the subjects considered essential by it for dental hygienist. Such examination may, in the discretion of the board, be conducted by a part of the members of the board. If the applicant, in the opinion of the board, successfully passes said examination, she shall be registered and licensed as a dental hygienist. Any woman of good moral character and 20 years of age or more, who before January 1, 1928, shall register her name with the state board of dental examiners, may upon showing five years' actual experience in the office of a licensed dentist, and upon complying with such requirements and passing such examinations as the board of dental examiners shall require, be licensed as a dental hygienist. ('19, c. 249, § 1; amended '27, c. 93)

5765. Same—Employment of and practice by—Suspension or revocation of licenses—Reinstatement—Any licensed dentist, public institution or school authorities may employ such licensed dental hygienist. Such dental hygienist may remove lime deposits, accretions and stains from the exposed surfaces of the teeth, and administer gas, ether and anesthesia, as applied to dentistry, but shall not perform any other operation on the teeth or tissues of the mouth. She may operate in the office of any licensed dentist or in any public institution, or in the schools, under the general direction or supervision of a licensed dentist.

The board of dental examiners may suspend or revoke, with power to reinstate, the license of any licensed dentist who shall permit any dental hygienist operating under his supervision, to perform any operation other than that permitted under the provisions of this section, and it may also suspend or revoke, with power of reinstatement, the license of any dental hygienist violating the provisions of this act, the procedure to be followed in the case of such suspension, revocation or reinstatement, shall be the same as that prescribed by law in the case of suspension, revoca-

tion or reinstatement of a licensed dentist. ('19, c. 249, § 2; amended '27, c. 93)

5766. Same—Fees—Before the first of May in each year, every licensed dental hygienist shall pay to the board of dental examiners a license fee of three dollars and in default of such payment, the board may upon hearing and upon 30 days' notice revoke the license of the hygienist in default; but the payment of such fee on or before the time of hearing, with such additional sum, not exceeding five dollars, as may be fixed by the board, shall excuse the default. The board may collect such fee by suit. ('19, c. 249, § 3; amended '27, c. 93)

5767. Same—From other states—Any dental hygienist duly licensed to practice as such in another state having and maintaining an equal standard of laws regulating the practice of dental hygienists with this state, and who is of good moral character and is desirous of removing to this state, and deposits in person with the board of dental examiners a certificate from the examining board of the state in which she is licensed, certifying to the fact of her being licensed and that she is of good moral character and professional attainments, may upon the payment of a fee of \$20.00, at the discretion of the board, be granted a license to practice in this state without further examination. As to any person so applying and who has been licensed in a state not maintaining an equal standard of laws within this state, the board may license such persons upon the payment of the fee above provided for, furnishing the same evidence as to licensing, good moral character, and professional attainments, and passing such further examinations as the board of dental examiners shall deem necessary. ('19, c. 249, § 4; amended '27, c. 93)

CHIROPODY

5768. State board of chiropody authorized—An act creating a state board of chiropody examiners and registration to regulate the practice of chiropody in the State of Minnesota, to license chiropody practitioners and to punish persons violating the provisions of this act. ('17 c. 382 § 1)

5769. Definition of the word "chiropody"—The definition of the word "chiropody," shall be held to be the medical, mechanical or surgical treatment of the ailments of the human hand or foot. It shall also include the fitting or recommending of appliances, devices or shoes for the correction or relief of minor foot ailments, except the amputation of the foot, hand, toes, fingers or the use of anesthetics other than local. ('17 c. 382 § 2)

5770. Governor to appoint members—That within thirty days after the passage of this act the governor shall appoint a state board of chiropody examiners and registration, consisting of five members who shall be resident chiropodists of good standing in their profession; one to serve for one year; one to serve for two years; one to serve for three years; one to serve for four years and one to serve for five years, and until their successors are appointed and qualified and one each year thereafter to the end that each member shall serve five years after the first appointment. ('17 c. 382 § 3)

5771. Registration of practitioners without examination—Within thirty days after the enactment of this act said board shall notify all persons engaged in the practice of chiropody in this state of the provisions of the act, by publication in one or more news-

papers in each county and every practitioner of chiropody, twenty-one years of age or over and of good moral character who shall make application for registration before the first day of July, 1917, and who can prove to the satisfaction of the board that he was engaged in the practice of chiropody in this state January first, 1917, shall, upon payment of a fee of ten dollars, be registered without examination and shall receive in testimony thereof a certificate signed by the chairman and secretary of said board.

Application for registration shall be made upon blanks furnished by the board and shall be signed and sworn to by the applicant.

All fees received by the board shall, once a month, be paid by its secretary into the treasury of the state. ('17 c. 382 § 4)

5772. Registration by examination—Any person not entitled to registration as aforesaid, who shall furnish the board with satisfactory proof that he is 21 years of age or over and of good moral character and that he has received a diploma or certificate of graduation from a recognized school of chiropody or equivalent institution, having a minimum requirement of two years' course of at least eight months each, shall, upon payment of a fee of \$15, be examined, and if found qualified, shall be registered and shall receive in testimony thereof a certificate signed by the chairman and secretary of the board.

An applicant who fails to pass an examination satisfactory to the board and is therefore refused registration, shall be entitled, within one year after such refusal, to a re-examination at a meeting of the board called for the examination of applicants, upon payment of an additional fee of two dollars for each such re-examination, but two such re-examinations shall exhaust his privilege under his original application.

Any person to whom a certificate of registration is granted under the provisions of this act, shall designate himself as a doctor of surgical chiropody.

Before the first of June in each year every registered chiropodist shall pay to the board a license renewal fee of two dollars, and in default of such payment the board may, upon hearing and notice, revoke the registration of the chiropodist in default, but the payment of such fee on or before the time of hearing, together with a penalty of five dollars, shall excuse the default. Such fee may also be collected by the board in a civil action. ('17 c. 382 § 5, amended '21 c. 385 § 1)

5773. Examinations—Examinations shall be in the English language and shall be written, oral or clinical or a combination of two or more of the said methods, as the board may determine.

The examinations shall embrace the subjects of anatomy, physiology, chemistry, bacteriology, pathology, diagnosis and treatment, materia medica and therapeutics and clinical chiropody, but said examinations shall be so limited in their scope as to cover only the minimum requirements for chiropody education as herein provided and shall not be construed to require of the applicant a medical or surgical education.

The minimum requirement for registration of applicants under section five and six of this act, shall be based on a general average of seventy-five per cent of the subjects involved and not less than sixty per cent in any one subject. ('17 c. 382 § 6)

5774. Offenses—Penalties—Any person who shall unlawfully obtain registration under this act, whether by false or untrue statements contained in his application to the board or by presenting to said board a

fraudulent diploma, certificate or license or one fraudulently obtained, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment for not less than thirty days nor more than ninety days, and any person not being lawfully authorized to practice chiropody in this state and registered as aforesaid, who shall advertise as a chiropodist, in any form, or hold himself out to the public as a chiropodist, or who, not being duly licensed to practice medicine, osteopathy or chiropactic in this state shall offer to diagnose or treat the ailments of the human foot, or who shall diagnose or treat the ailments of the human foot by medicinal, mechanical or surgical means, shall be guilty of a misdemeanor and shall upon conviction thereof, for each offense be punished by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment for not less than thirty days nor more than ninety days; provided that the fitting or recommending of appliances, devices or shoes for the prevention, correction or relief of foot ailments or troubles by shoe dealers or others not holding themselves out to the public as chiropodists shall not be considered the practice of chiropody under the terms of this act. ('17, c. 382, § 7; amended '21, c. 385, § 2; '27, c. 371)

5775. Evidence of practicing—It shall be deemed prima facie evidence of the practice of chiropody or of holding oneself out as a practitioner of chiropody within the meaning of this act, for any person to treat in any manner the human hand or foot by medical, mechanical or surgical methods, or to use the title chiropodist or registered chiropodist or any other words, or letters which designate, or tend to designate to the public that the person so treating or holding himself out to treat, is a chiropodist. ('17 c. 382 § 8)

5776. Cancellation of registration—The board, after hearing, may, by majority vote, revoke any certificate issued by it, and cancel the registration of any chiropodist who has been convicted of violation of the provisions of section six of this act. Said board may also, after hearing, by majority vote, revoke the certificate and cancel the registration of any person whom the court records of any state or territory within the United States, or the federal court records, or the record of any court of jurisdiction in any foreign country show that such person has been found guilty of a criminal offense. Said board may also, after hearing, by majority vote, revoke the certificate and cancel the registration of any person whose registration was granted upon mistake of material fact. The board may subsequently, but not earlier than one year thereafter, by unanimous vote, re-issue any certificate and register anew any chiropodist whose certificate was revoked and whose registration was cancelled by the board except as hereinafter provided. ('17 c. 382 § 9)

5777. Unprofessional conduct—The board may, after hearing, refuse to issue a certificate to any person, or may revoke the certificate and cancel the registration of any person registered under the provisions of this act, who after investigation, shall be found by a majority vote of the board, guilty of grossly unprofessional and dishonest conduct. The words, "unprofessional and dishonest conduct," shall be held to mean within the provisions of this act:

- (a) The willing betrayal of a professional secret.
- (b) Having professional connection with, or lending the use of one's name to an unregistered chiropodist or having professional connection with anyone

who has been convicted in court of any criminal offense whatsoever.

(c) Being guilty of offenses involving moral turpitude, habitual intemperance, or being habitually addicted to the use of morphine, opium, cocaine or other drugs having a similar effect, or for using, selling or giving away any substance or compound containing alcohol or drugs for other than legal and legitimate purposes. ('17 c. 382 § 10)

5778. Suspension of registration—The board may revoke or suspend for an indefinite period, but not for less than six months, the certificate of registration of any person found guilty under the provisions of section ten of this act. ('17 c. 382 § 11, amended '21 c. 385 § 3)

5779. Investigation and prosecution—The board shall investigate all complaints of violations of sections seven and ten of this act and shall report all violations of section seven to the proper prosecuting officers. ('17 c. 382 § 12, amended '21 c. 385 § 4)

5780. Registration of certificate by clerk of district court—Every person to whom a certificate of registration has been issued under this act shall, within one month from the date of receipt of said certificate of registration, submit the same to the clerk of the district court of the county in which the said person has then legal residence or usual place of business and shall make oath that he is the person designated therein. Upon payment of a fee of one dollar, it shall be the duty of the clerk of the district court to whom such certificate is presented, to register the name and address of the person designated in the certificate, together with the date and number inscribed thereon; which record shall be open to the inspection of the public; and it shall be the further duty of the clerk of the district court to whom said certificate is presented, to file with the board, within one week of such registration, a duplicate copy of the record made. ('17 c. 382 § 13, amended '21 c. 385 § 5)

Registration records filed with Secretary of State, moneys received by board paid into state treasury. See § 53-47, herein.

5781. Expenses and compensation—Each member of the board shall receive ten dollars for every day actually spent in the performance of his duties in connection with the provisions of this act and the necessary traveling expenses actually incurred, not exceeding five cents per mile each way. The said compensation and traveling expenses and any incidental expenses necessarily incurred by the board or any member thereof, shall, if approved by the board, be paid from the treasury of the state, but only from the fees received under the provisions of this act and paid into the said treasury by the board. ('17 c. 382 § 14)

5782. Reciprocity—The board may accept the certificate of license of the board of registration and examination of any other state or territory or any foreign country whose standards of qualifications and requirements for practice are equivalent to those of this state on payment of the required fee of \$50.00 with the endorsement of the secretary of the state board of chiropody examiners. ('17 c. 382 § 15)

5783. Explanation of word "board"—The word "board," wherever used in this act shall be understood to mean the board of registration in chiropody of the state of Minnesota. ('17 c. 382 § 16)

5784. Exemption of physicians—This act shall not apply to the commissioned surgical officers of the United States army, navy or marine hospital service when in the actual performance of their official du-

ties, nor to any physicians duly registered under the general laws of the state nor to any legally registered chiropodist of another state taking charge of the practice of a legally registered chiropodist of this state temporarily, during the latter's absence therefrom upon the written request, to the board, of said registered chiropodist of this state. ('17 c. 382 § 17)

MASSAGE.

5784¹
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5784-1. Massage defined—Practice of massage defined—Beauty culturists, barbers and both parlor attendants excepted—Masseur and masseuse defined—Registered, certificate, and license defined—Within this act "massage" shall mean a method, art or science of treating the human body for remedial or hygienic purposes by rubbing, stroking, kneading, tapping or rolling same for the purpose of relieving, alleviating or reducing the affected parts thereof.

The practice of massage is hereby declared to be distinct from the practice of medicine, surgery, osteopathy, chiropractic, or chiropody and such licensed practitioners together with nurses who work solely under the direction of duly licensed doctors, and athletic directors and trainers, are hereby expressly excluded from the provisions of this act. It is further provided that beauty culturists, barbers and bath parlor attendants who do not give or hold themselves out to give a massage treatment as defined by this act other than is customarily given in such shops or places of business for the purpose of beautification only, shall not be subject to the provisions hereof. "Masseur" is a male person, and "Masseuse" is a female person who practices the art or science of massage. The word "registered" as used under this act shall mean granted a license to practice massage. The word "certificate" as used in this act shall mean certificate of license to practice massage in the State of Minnesota. The word "license" as used in this act shall mean the permission granted by the board of massage examiners to practice massage in this state. ('27, c. 69, § 1)

5784-2. Board of massage examiners—Appointment, etc.—A state board of massage examiners is hereby established. Said board shall consist of five residence practitioners, who shall have practiced the art or science of massage in this state for at least five years, appointed by the Governor, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years from the date of his or her appointment, and until their successors are appointed and qualified and one each year thereafter to the end that each member shall serve five years after the first appointment. Within sixty days after any vacancy shall occur the Governor shall fill the same by appointment of some person registered under this act for the balance of the unexpired term. No person shall be eligible for appointment to said board who is connected with or affiliated with any school of massage. ('27, c. 69, § 2)

5784-3. Same — Organization — Officers — General powers—Seal—Adoption of minimum requirements for registration — Meetings — Quorum — Records — Notice of act published—The members of said board shall, within thirty days after their appointment, assemble at the State Capitol building at St. Paul, Minnesota, and organize by electing a president, a vice president and a secretary-treasurer, each for a term of one year or until their successors are elected and qualified. Each of said officers shall have power to administer

oaths, summon witnesses, compel the production of books and records, and take testimony as to matters pertaining to the duties of said board. It shall adopt a seal. The first board shall issue a certificate of license to each of its members for which each of them shall pay a fee of \$25.00 to the board. It shall adopt and prescribe a minimum of educational requirements as a pre-requisite to registration under this act, but such requirements shall not be inconsistent with the provisions of this law and shall not discriminate against any particular method of theory of massage.

Said board shall meet twice in each year on the first Tuesday of the months of June and December and at such other times as the majority of the board may deem proper. Three members shall constitute a quorum for the transaction of business.

The secretary shall keep a record of all its proceedings and said reports shall be prima facie evidence of all matters therein recorded.

Within thirty days after the organization of said board it shall publish a notice in one issue of a daily paper in each of the cities of St. Paul, Minneapolis and Duluth, addressed to all persons engaged in the practice of massage in this state, advising them briefly of the provisions and requirements of this act. ('27, c. 69, § 3)

5784-4. Registration without examination — Fee — License—Every practitioner of massage of the age of twenty-one years or over, who shall make application for registration on or before June 1, 1927, and who shall prove to the satisfaction of the board that he or she is of good moral character, has a good practical knowledge of the work, and was regularly engaged in the practice of massage in this state before January 1, 1926, shall, upon payment of a fee of \$25.00 be registered without examination and granted a license as a practitioner of massage, and shall receive in testimony thereof a certificate signed by the president and secretary, and attested by the seal of said board.

Application for registration under this section shall be made upon blanks furnished by the board and shall be signed and sworn to by the applicant and indorsed by three responsible residents in the county in which the applicant resides. ('27, c. 69, § 4)

5784-5. Registration by examination—Qualifications of applicants — Fees — Re-examinations—Any person not entitled to register under the provisions of Section 4 hereof may be examined by said board as to his or her qualifications to practice the science of massage, provided he or she shall furnish the board with satisfactory proof that he or she is 21 years of age or over and that he or she is of good moral character that he or she has received a high school education or the equivalent thereof, and in addition thereto has received a diploma or certificate of graduation from a reputable school of massage approved by said board, or in lieu of such diploma or certificate has received credits from a recognized educational institution in the subjects of anatomy, physiology, dermatology, histology and massage. Provided further that such school of massage in order to be recognized by said board of massage examiners hereby created shall have embraced in its course the subjects of anatomy, physiology, dermatology, histology and massage. And provided, further, that before such applicant shall be entitled to take such examination he or she shall pay to such board a fee of \$25.00. If such applicant is found to be qualified as provided in Section 7 he or she shall be registered and shall receive in testimony thereof a

certificate of registration signed by the president and the secretary-treasurer and attested by the seal of said board.

Any applicant who fails to pass to the satisfaction of the board an examination given by it and is for that reason refused registration shall be entitled, within six months after such refusal, to a re-examination, upon payment of an additional fee of \$5.00 for each such re-examination, but two such re-examinations shall exhaust his privilege under his original application, provided, however, that nothing in this act shall prevent any person from filing a new application at any time after one year from the date of the last examination. ('27, c. 69, § 5)

5784-6. Fees—Custody and disposition of—The secretary-treasurer shall be custodian of all fees or moneys received by the board under the provisions of this act and he shall deposit the same with the State Treasurer, who shall keep said money in a separate fund of the state board of massage examiners for their use and shall pay the same out only upon written orders issued and signed by the secretary-treasurer and president of said board, and the amount of such fund is hereby annually appropriated to said board for the purpose of defraying its expenses in carrying out the provisions of this act. ('27, c. 69, § 6)

5784-7. Conduct of examinations—Examinations by the board shall be in the English language and shall be written, oral or practical as the board may determine, and shall embrace the subjects of anatomy, physiology, dermatology, histology and massage, but shall be so limited in scope as to include only the minimum requirements for massage education as herein provided and shall not be construed to require of the applicant medical or surgical education.

The minimum requirement for the registration of applicants under this act shall be based on the general average of 75 per cent of the subjects involved and not less than 60 per cent in any one subject. ('27, c. 69, § 7)

5784-8. Recording licenses—Every person holding a certificate of license from the state board of massage examiners shall file the same for record with the clerk of the District court of the county in which such person intends to engage in the practice of massage, and said clerk shall, upon payment to him of a fee of \$1.00, record such license in a book prepared for the purpose and after doing so shall return the certificate of license, with his certificate as to time and place of record endorsed thereon, to the licensee. ('27, c. 69, § 8)

5784-9. Duration of licenses—Renewal—Fees—Reports—All certificates issued by said board shall expire at midnight on May 31 next after the issuance of same. All persons holding a certificate of license to practice massage within this state shall on or before the first day of June of each year after the issuance of said certificate apply to said board massage examiners for a renewal thereof and shall accompany such application with a renewal fee of \$5.00.

The secretary-treasurer shall, within thirty days or more before June 1 of each year, mail to all registered masseurs and masseuses in this state, a notice of the fact that all licenses must be renewed on or before June 1 of such year, and that application for renewal must be accompanied by a fee of \$5.00; no certificate of renewal need be issued, but a receipt for payment of the renewal fee shall be issued each licensee entitled thereto, but the same need not be recorded and such receipt shall be evidence of the renewal of the license referred to therein.

The secretary-treasurer shall, on the first Tuesday of June of each year, file with the Governor of the state a report of all receipts and disbursements and proceedings of said board for the fiscal year. He shall give bond in such sum and with such sureties as the board shall deem necessary. The members of the board shall receive a fee of \$10.00 for each day's service rendered in attending meetings of the board and shall be reimbursed for moneys actually and necessarily expended by them in performance of their duties. ('27, c. 69, § 9)

5784-10. Licenses — Refusal — Renewal — Revocation—Reissue—The state board of massage examiners may refuse to grant, or to renew, or may revoke a license issued or applied for hereunder, and may cause the name of any licensee to be removed from records in the office of the county clerk in this state upon any of the following grounds, to-wit: The employment of fraud or deception in applying for a license or in passing an examination provided for in this act; the conviction of a crime involving moral turpitude, habitual intemperance in the use of alcoholic spirits, narcotics or stimulants; conduct inimical to the best interest of licensed masseurs. Any applicant for a license to practice massage or any licensed masseur, against whom charges have been filed seeking to revoke or to prevent issuance or renewal of a license, shall be furnished with a copy of the complaint stating the grounds thereof and shall be accorded a hearing in person or by attorney before said board and shall be entitled to have witnesses subpoenaed in his behalf by said board respecting his guilt or innocence.

In case of the revocation of such a license by the state board of massage examiners a copy of the order of revocation duly certified by the secretary of the board shall forthwith be filed for record by said secretary in the office of the clerk of the District court where the license thereby revoked is of record and said clerk shall note such revocation in the book where said license is recorded and shall be entitled to a fee of \$1.00 for filing such order of revocation and for making said notation, to be paid by said state board out of its funds.

Said board may, at any time after six months of its refusal to issue or renew, or after it has revoked a license to the person affected, issue another license, and thereby confer upon him or her all the rights and privileges of a duly licensed masseur. Any person to whom a license has been restored or issued after reconsideration by the board shall pay to the secretary-treasurer the sum of \$25.00 upon issuance of a new license. ('27, c. 69, § 10)

5784-11. Registrations in other states—The board may accept the certificate of the board of registration and examination of any other state or territory whose standards of qualifications and requirements for practice are equivalent to those of this state, upon payment of a fee of \$50.00; provided, however, that such applicant shall present his license to the secretary of the state board of massage examiners, who shall investigate the same, and, if satisfied that the same complies with the provisions of this act, shall issue to the applicant a certificate of license in this state, upon the payment of the above named fees. ('27, c. 69, § 11)

5784-12. Offenses — Penalties — Prosecutions—Any person who shall unlawfully obtain registration under this act whether by false or fraudulent statements to the state board or otherwise shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished accordingly. Provided that the minimum

penalty for such violation shall be a fine of \$50.00 for each and every such offense.

Any person who, not being licensed as provided hereby, or whose license has been suspended or revoked as herein provided, or who having been licensed under the provisions of this act has failed to renew his license in accordance with the provisions of this act, practices the art or science of massage, for a fee, or for hire, or for any consideration whatsoever, or offers to do so, publicly professes that he or she is a licensed masseur or assumes the title of masseur, or in other words or letters tends to indicate that he or she is a masseur or masseuse and holds themselves out to the public as such for hire, or any consideration whatsoever, shall be guilty of a misdemeanor and upon conviction shall be punished accordingly; provided that the minimum penalty for such violation shall be a fine of \$50.00 for each and every such offense.

It shall be the duty of the county attorney, for the county in which any person unlawfully practices massage to prosecute such person hereunder. ('27, c. 69, § 12)

OPTOMETRISTS

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5785. State Board of Optometry — Appointment, terms, and vacancies—The State Board of Optometry shall consist of five qualified optometrists appointed by the Governor, each for a term of three years, or such part thereof as will provide for the expiration of the terms of two members January first, 1916; one member January first, 1917, and two members January first, 1918, and until their successors qualify. Vacancies in such Boards shall be filled by like appointments for unexpired terms. ('15, c. 127, § 1; amended '25, c. 239)

5786. Same—General powers—Said Board of Optometry shall make such rules and regulations, not inconsistent with the law, as may be necessary for the proper performance of its duties. Any member of the Board may, upon being duly designated by the Board or a majority thereof, administer oaths or take testimony concerning any matter within the jurisdiction of the Board. ('15, c. 127, § 2; amended '25, c. 239)

5787. Same — Officers — Seal — Meetings—The Board shall elect from among its members a president, and may adopt a seal. A secretary or assistant may be employed who need not necessarily be a member of said Board. For the purpose of examining applicants for license to practice optometry, the Board shall meet at least once a year in St. Paul, and may hold other meetings at its pleasure. ('25, c. 127, § 3; amended '25, c. 239)

5788. Same—Compensation and expenses—Attorney and assistants—Records—Each member shall receive from the funds of the Board ten dollars (\$10.00) a day for actual services, and necessary travel and expense allowance for attending meetings. For clerical services the Secretary shall receive such compensation as the Board may deem just and proper, such compensation to be not more than four hundred dollars (\$400.00) per year. The Board may employ an attorney and other necessary assistants to aid in the enforcement of the provisions of this Act, the attendant expense to be met from the funds of the Board. The Secretary shall keep a record of all proceedings, including therein the name of every applicant for examination or registration which record shall be open for public inspection. ('15, c. 127, § 4; amended '25, c. 239)

5789. Practice of optometry defined—Registration and license required—Any person shall be deemed to be practicing optometry within the meaning of this Act who shall display a sign such as an eye, a pair of eyes, a pair of glasses or spectacles, or who shall in any way advertise himself as an optometrist, or who shall employ any means for the measurement of the powers of vision or the adaptation of lenses or prisms for the aid thereof, or have in his possession testing appliances for the purpose of the measurement of the powers of vision, or diagnose any optical deficiency or deformity, visual or muscular anomaly of the human eye, or prescribe lenses, prisms or ocular exercises for the correction or the relief of same, or who holds himself out as being able to do so. It shall be unlawful for glasses to be vended as merchandise except from a permanently located and established place of business. It shall be unlawful for any person to engage in the practice of optometry without first procuring and filing for record a certificate of registration as a licensed optometrist pursuant to this subdivision. ('15, c. 127, § 5; amended '25, c. 239)

5790. Persons entitled to practice optometry—Examinations—Fee—Registration and license—Revocation—Display of certificate—The persons entitled to practice optometry in Minnesota who are not already registered shall be: Every person of a full age of 21 years who furnishes the Board with satisfactory evidence of:

- (a) His age and moral character.
- (b) That he has graduated from an accredited high school or its equivalent, and that he possesses the knowledge essential to the practice of optometry.
- (c) That he shall be a graduate of an optometric school or college approved by this Board, requiring an attendance of not less than two years' course. Such school shall give a course of instruction covering and including the following minimum requirements to-wit:

Ocular Anatomy, 125 hours.
 Ocular Pathology, 125 hours.
 General Anatomy, 150 hours.
 General Physiology, 100 hours.
 General Mathematics, 150 hours.
 General Physics, 100 hours.
 General Optics, 100 hours.
 Theoretical Optics, 300 hours.
 Practical Optics, 100 hours.
 Theoretical Optometry, 250 hours.
 Practical Optometry, 200 hours.
 Hygiene, 50 hours.
 Psychology, 50 hours.
 Optical Laboratory Work, 100 hours.
 Clinical Work, 100 hours.

In the course of study herein outlined the hours required shall be actual work in the class room, laboratory or clinic and at least eighty per cent of actual attendance shall be required and said course of study herein outlined shall be so arranged as to require two years of actual attendance at said school for its completion.

The provisions of this act as to educational requirements shall not apply to any person who on Jan. 6, 1925, was a matriculate in a school teaching optometry, but such person shall be required to conform to the then existing provisions of law.

(d) Having passed satisfactorily an examination by the Board as to his qualifications for the practice of Optometry, upon the completion of which he shall receive from said Board a licensed certificate, entitling him to practice. Any person desiring to be examined

by said Board must fill out and swear to an application furnished by the Board and must file the same with the Secretary of the Board at least two weeks prior to the holding of an examination which the applicant is desirous of taking. The applicant shall pay to the Board a fee of twenty dollars (\$20.00) before examination and five dollars (\$5.00) upon issuance of certificate. In the event of failure on the part of a candidate to pass the first examination he may within fifteen months have another trial; upon the payment of five dollars (\$5.00) additional. Any applicant may be registered and given a certificate of registration if he shall present a certified copy of certificate of registration, or license which has been issued to said applicant by any other state, where the requirements for registration shall be deemed by said Board to be equivalent to those of this act; provided that such state shall accord like privileges to holders of certificates of said Board. The fee for registering such applicants shall be fifteen dollars (\$15.00). The Board upon hearing of which the accused shall have ten days' notice may revoke the certificates of any person under the conviction of crime or shown to be grossly incompetent, afflicted with contagious or infectious disease, or guilty of unprofessional conduct. "Unprofessional conduct" shall be defined to mean any conduct of a character likely to deceive or defraud the public; the loaning of his license or certificate by any licensed optometrist to any person; the employment of "cappers" or "steerers" to obtain business; "splitting" or dividing a fee with any person or persons; the obtaining of any fee or compensation by fraud or misrepresentation; employing either directly or indirectly any suspended or unlicensed optometrist, to perform any work covered by this act; the advertising by any means whatsoever of optometry practice or treatment or advice in which untruthful, improbable, misleading or impossible statements are made. After one year upon application and proof that the disqualification has ceased, the Board may reinstate such person.

(e) Every registered optometrist who shall temporarily practice optometry outside or away from his regular registered place of business shall display his registered certificate and shall deliver to each customer or person there fitted or supplied with glasses a receipt or record which shall contain his signature and show his permanent registered place of business or post office address and number of certificate, together with the amount charged therefor. ('15, c. 127, § 6; amended '25, c. 239)

Explanatory note—Registration records filed with Secretary of State. See § 53-47, herein.

5791. Certificates to be filed—Fee for—The holder of every such certificate of registration shall file the same for record with the clerk of the District Court in the County where he resides, and after record shall display it conspicuously at his place of business. Upon removal to another county he shall there in like manner file his certificate before engaging in business therein. Such clerk's fee shall be fifty (.50¢) cents for recording and one dollar (\$1.00) for certified copy. A failure on the part of the holder to comply with any of the foregoing provisions for six months after issuance of the certificate shall forfeit the same. ('15, c. 127, § 7; amended '25, c. 239)

5792. Annual fees—Before April first in each year, every authorized optometrist shall pay to the Board a fee of five dollars (\$5.00), in default of which the Board, upon a hearing and after twenty days' notice, may revoke the certificate of any optometrist so in

default; but the payment of such fee at or before the time of hearing, with such additional sum, not exceeding five dollars (\$5.00), as may be fixed by the Board, shall excuse the default. The Board may collect such fee by suit. ('15, c. 127, § 8; amended '25, c. 239)

5793. Fees—Disposition of—All fees collected under this subdivision shall be received and held by the Secretary and devoted to the uses of the Board. The Secretary shall give such bond as the Board shall from time to time require. Before the first Monday in January, annually, the Board shall report to the Governor its proceedings and the items of its receipts and disbursements. ('15, c. 127, § 9; amended '25, c. 239)

Explanatory note—Moneys received by board paid into state treasury. See § 53-47, herein.

5794. Penalty for violations of law—Every person who shall violate any of the provisions of this act shall be guilty of a gross misdemeanor. ('15, c. 127, § 10; amended '25, c. 239)

5795. Partial invalidity of law—In case for any reason any paragraph or any provision of this act shall be questioned in any court of last resort and shall be held by such court to be unconstitutional or invalid the same shall not be held to affect any other paragraph or provision of this act. ('15, c. 127, § 11; amended '25, c. 239)

5796. Laws repealed—That Sections 2320, 2321, 2322, 2324, 2325, and 2326 of the Revised Laws of 1905, and all amendments to said sections or any of them are hereby repealed. ('15, c. 127, § 12; amended '25, c. 239)

5796-1. Not to affect persons engaged in practice—Provided that this act shall not be construed as forbidding any person licensed to practice any profession in this state from engaging in such profession as it may now be defined by law. ('15, c. 127; § 13 added by amendment by '25, c. 239)

PHARMACISTS

5797. Membership of the state board of pharmacy—The state board of pharmacy shall consist of five registered pharmacists actually engaged in the retail drug business of the state, appointed by the governor, each for the term of five years and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired term. The membership of any person now a member or appointed as a member of said board, who shall cease to be actively engaged in the retail drug business or shall engage in any other business or avocation in the state of Minnesota, shall automatically terminate. The Minnesota State Pharmaceutical Association may recommend five names for each appointment to be made, from which list the governor may select. The board shall elect annually one of its members as president, and a registered pharmacist, who may or may not be a member, as secretary. It may employ an attorney and other necessary assistants, and make rules for the conduct of its business. It may, by its duly authorized representative, enter and inspect any and all places where drugs, medicines and poisons are sold, given away, compounded, dispensed or manufactured. Any person refusing to permit or otherwise preventing such duly authorized representatives from entering such places, shall be guilty of a misdemeanor. It shall enforce and obey the provisions of this subdivision, and report its proceedings to the governor annually, with such information and recommendations as it deems

proper, giving the names of all pharmacists registered during the year, and the items of its receipts and disbursements. (R. L. '05 § 2327, amended '13 c. 575 § 1; '19 c. 477 § 1) [5029]

69-311, 72+117.

R. L. §§ 2327-2341 are not unconstitutional, as depriving persons licensed under prior statutes of vested rights, or otherwise obnoxious to principles of fundamental law (100-249, 110+870).

5798. Per diem of members of state board of pharmacy—Each member shall receive ten dollars a day for his actual services as such, and the necessary expenses of attending meetings. The secretary shall receive a salary, to be fixed by the board, and all expenses necessarily incurred by him in the performance of his duties; and he shall give such bond as the board may from time to time require. All fines and penalties paid or collected under any provision of this subdivision shall be paid over to the secretary of the board forthwith, the provisions of any statute, ordinance, or charter to the contrary notwithstanding. Such payments, and the fees hereinafter provided for, shall constitute the fund from which all salaries, per diem, and expenses of the board and its members shall be paid. (R. L. '05 § 2328; G. S. '13 § 5030, amended '21 c. 238 § 1)

5799. State pharmacy board—Fees for examination—The board shall meet at least once in every three months to examine applicants for registration and transact its other business, giving reasonable notice of all examinations, by mail, to known applicants therefor. The secretary shall record the names of all persons registered by the board, together with the grounds upon which the right of each to registration was claimed. The fee for examination shall be ten dollars. All registered pharmacists and assistants, while employed as such, shall be exempt from service as jurors. On hearing, the board may revoke any certificate of registration obtained by false representation or other fraud, or when the holder is addicted to the liquor or drug habit so as to unfit him for the practice of pharmacy, and may refuse registration to any person so addicted. (R. L. '05 § 2329, amended '13 c. 575 § 2; '23 c. 403 § 1) [5031]

Moneys received by board paid into state treasury. See § 53-47, herein.

5800. Qualifications for examination for registered pharmacist—To be entitled to examination by the board as a pharmacist, the applicant shall be at least twenty-one years old, shall have successfully completed the work of two (2) college years, of not less than seven (7) months each, at a college or school of pharmacy which in the judgment of the board maintains proper standards, as such and shall have had at least two years of practical experience in drug stores where physician's prescriptions are usually compounded; provided, however, that if the applicant shall have successfully completed a longer course than two (2) college years, of seven (7) months each, in such school or college of pharmacy, and additional year, or more, so successfully completed, shall be equivalent to one (1) year of such practical experience.

Provided that, any person, who now is, or has been actually employed in a drug store, who shall file with the board a sworn statement of proof of that fact, or who is registered by said board as an assistant pharmacist shall be exempt from the requirements of attendance at a college or school of pharmacy, but shall be entitled, if of the required age, to examination upon the completion of four (4) years experience, as the same is herein defined, provided further; that, one (1)

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year of college work, as herein defined shall be equivalent to one (1) year of experience. If upon examination the board finds him qualified, he shall be entitled to registration as such pharmacist. (R. L. '05 § 2330, amended '07 c. 346 § 1; '19 c. 399 § 1) [5032]

Registration records filed with Secretary of State. See §§ 53-47, herein.

1907 c. 346 is constitutional. The second proviso prescribes time within which persons mentioned in the first must apply for registration (103-21, 114+246).

5801. Qualifications of applicants—An applicant for a certificate as assistant shall be eighteen years old, or over, and have had two years' practical experience in drug stores where physicians' prescriptions are usually compounded. Provided, however, if he be a graduate of a school of pharmacy whose course includes twelve months of laboratory work, but one year's experience shall be required. If upon examination, the board finds him qualified, he shall be registered. His certificate shall entitle him to act as an assistant to a registered pharmacist and to compound and dispense drugs and medicines during the temporary absence of the registered pharmacist. (R. L. § 2331, amended '13 c. 575 § 3) [5033]

5802. Registration of pharmacists from other states, and fees—The board, without examination, upon receipt of a fee of twenty-five dollars, may grant registration to any pharmacist licensed or registered by the board of pharmacy, or a similar board, of another state. (R. L. § 2332, amended '13 c. 575 § 4) [5034]

5803. Display of certificate—Removal—Every holder of a certificate issued by the board shall display it conspicuously at his place of business. Upon changing his place of business he shall within ten days furnish the secretary with his new address. He shall not act as pharmacist or assistant for more than ten days after so notifying the secretary, unless he shall have received notice, which the secretary shall send him, that the change is noted on the records of the board. Every person who shall violate any provision of this section shall be liable to a penalty of ten dollars. (2333) [5035]

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29 — 94
29 — 103
5804. Annual fees to be paid—Every person registered by the board, while continuing in business, shall annually pay to the secretary a renewal fee, to be fixed by the board, and not to exceed three dollars for a pharmacist and two dollars for an assistant. A person who has once been registered and has defaulted in the payment of fees may be reinstated within two years of such default, without examination, upon payment of arrears. Every certificate and renewal shall expire at a time therein prescribed, not later than one year from its date. (R. L. § 2334, amended '13 c. 575 § 5) [5036]

Fee not tax on business of pharmacy. Amount not unreasonable (100-249, 110+870).

5805. Definition of drugs—Exceptions as to sale—Drugs, medicines and poisons, for the purposes of this subdivision, shall include all substances commonly kept in drug stores and used in compounding medicines or sold for medicinal purposes. Nothing in this subdivision, however, shall prevent a physician from compounding prescriptions for use in his practice or furnishing to his patients such articles as he deems proper, or interfere with the making or vending of proprietary medicines, with any exclusively wholesale business, or with the sale by general retail dealers of the following articles: alum, Blue vitriol, borax, carbonate of ammonia, carbonate of soda, castor oil, copperas, epsom salts, glauber salts, glycerin, gum arabic, gum camphor, licorice, log wood, rolled sulphur, saltpetre, senna

leaves, sublimed sulphur, water of ammonia, arsenate of lead, sodium arsenite, London purple, arsenous oxide or Paris green in sealed packages distinctly labeled "arsenate of lead," "sodium arsenite," "London purple," "arsenous oxide," "arsenate calcium and arsenite of zinc" or Paris green," as the case may be, "poison." Nor shall any dealer whose shop is more than two miles from a drug store be thus prevented from selling any commonly used medicine or poison which has been put up for such sale by a registered pharmacist. (R. L. '05 § 2335, amended '13 c. 575 § 6; '23 c. 25 § 1) [5037]

5806. Wrongful labeling—A person engaged in the drug business, either on his own behalf or in the employ of another, who, in putting up drugs, medicines, or prescriptions, wilfully, negligently or ignorantly omits to label the package or receptacle, labels it untruly, substitutes an article different from the one ordered, or deviates from the terms of the order or prescription as to quantity or in any other manner, shall be guilty of a misdemeanor. (2336) [5038]

5807. Physician's prescriptions required for certain drugs—No person, otherwise than on a physician's written prescription, shall sell at retail aconite, belladonna, digitalis, or nux vomica, or their preparations, the oils of bitter almonds, cedar, pennyroyal, savin, or tansy, arsenic or any of its preparations, mercury or opium, or any of their poisonous preparations, carbolic acid, chloral hydrate, chloroform, creosote, croton oil, cyanide of potassium, hydrocyanic acid, lead acetate, morphine, the mineral acids, oxalic acid, strychnine, wood-naptha or any other commonly recognized poison, without affixing to the package or receptacle containing the same a label conspicuously bearing the word "poison," and the name and business address of the seller, and satisfying himself that such poison is to be legitimately used. Any person who fails to comply with any requirement of this section shall be guilty of a misdemeanor. (R. L. § 2337, amended '13 c. 575 § 7) [5039]

40-103, 41+543.
143-181, 173+566.

5808. Register to be kept for sale of poisonous drugs—No person, either on his own behalf or while in the employ of another, except upon the written prescription of a physician, shall sell or give away arsenic or its preparations (other than Paris green, arsenate of lead, sodium arsenite, London purple and arsenous oxide) "arsenate of calcium, arsenite of zinc," aconite, bella-donna, or nux vomica, or their preparations, cyanide of potassium, hydrocyanic acid, morphine, mercury or its poisonous preparations, opium or the tincture thereof, the oils of pennyroyal, savin or tansy, or strychnine, without first recording, in a book kept for that purpose, the name and address of the person to whom and the amount and kind of poison delivered. Every person who shall violate any provision of this section, give a false name to be recorded to aforesaid, or, having custody of any such record book, shall refuse to produce it on demand for the inspection of any officer, shall be guilty of a misdemeanor. (R. L. '05 § 2338, amended '13 c. 575 § 8; '23 c. 25 § 2) [5040]

5809. Sale of cocaine—Record—That no person shall sell or give away any cocaine, hydrochlorate, or any salts or compound of cocaine, or preparation containing cocaine, except upon the written prescription of a physician or dentist, or veterinarian, licensed under the laws of the state. No prescription containing cocaine shall be filed more than once and each shall have written plainly upon it the name and address of

the patient, or owner of animal, and be filed and preserved by the pharmacist, who shall not give a copy thereof to the patient or owner of animal. This section shall not be so construed as to apply to sales at wholesale, in original packages, by any manufacturer or wholesale dealer, to a retail druggist, licensed physician or dentist or veterinarian when such vendor shall have affixed to each receptacle containing any such drug a label in the English language specifically setting forth the proportion of cocaine contained therein. ('05 c. 42, amended '09 c. 85 § 1) [5041]

5810. Penalty for violation—Any person who shall sell or give away any of the articles mentioned in the preceding section in violation of this act, and any person who shall prescribe any of such articles to any one addicted to the habitual use of cocaine or any preparation or compound thereof in any form shall be punished by a fine of not less than \$50 nor more than \$100 or by imprisonment in the county jail for not less than 30 days nor more than 90 days, and if the person so offending shall be a licensed physician, dentist, veterinarian, pharmacist or assistant pharmacist, in addition to the penalty above described, such offender's license shall be revoked. ('05 c. 42, amended '09 c. 85 § 2) [5042]

5811. Duty of county attorney—Upon complaint being made of the violation of the provisions of this act, the county attorney of the county where the offense is alleged to have been committed shall prosecute such complaint and to that end is hereby authorized to examine the books of any manufacturer or wholesale dealer within the state for the purpose of tracing the sale of any of the articles herein mentioned. ('05 c. 42 amended '09 c. 85 § 3) [5043]

5812. Fines, how disposed of—All fines collected under the provisions under this act shall inure to the Minnesota state board of pharmacy. ('05 c. 42, amended '09 c. 85 § 4) [5044]

5813. Penalty for violation by druggist—Every proprietor or manager of a place where drugs are sold shall be responsible for the quality of all drugs, chemicals, and medicines sold by him, except proprietary medicines and other articles sold in the original packages of the manufacturers. Every person who, by himself or through another, shall wilfully adulterate any drug, medicinal substance, or preparation authorized, or recognized by the United States pharmacopeia, or national formulary, or used or intended to be used in medical practice, or shall mix with any such article any foreign or inert substance for the purpose of weakening its medicinal power and effect or of cheapening it, or who shall sell the same knowing it to be so, adulterated or mixed, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars. (R. L. § 2339, amended '13 c. 575 § 9) [5045]

5814. Offenses—Penalties—No person not a registered pharmacist or a dealer employing and keeping such a pharmacist in active charge of his place of business, shall retail, compound or dispense drugs, medicines, or poisons, or keep or conduct a place for retailing, compounding, or dispensing drugs, medicines, or poisons, or falsely assume or pretend to the title of a registered pharmacist. No registered pharmacist or other person shall permit the compounding or dispensing of prescriptions or the vending of drugs, medicines, or poisons in his place of business, except under the supervision of a registered pharmacist or assistant. Every person violating any provision of this section where the death of a human being results from such

violation shall be guilty of a felony. No person shall hereafter carry on, conduct, or transact business under a name which contains as a part thereof, the words, drugs, drug-store, or pharmacy, or in any manner, by advertisement, circular, or poster, sign, or otherwise describe or refer to the place of business conducted by such person by the terms, drugs, drug-store, or pharmacy, unless the place of business so conducted be at all times in charge of a registered pharmacist, or during the temporary absence of such registered pharmacist, in charge of a registered assistant pharmacist. Every person violating any provision of this section shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars. (R. L. '05, § 2340; amended '13, c. 575, § 10; '15, c. 62, § 1; '25, c. 339) [5046]

55-169, 56+594; 72-403, 75+742; 100-249, 110+870; 125-529, 147+273.

Indictment sufficient (118-336, 136+849).

5815. Board to turn over certain moneys to state pharmaceutical association—That the state board of pharmacy may each year turn over to the state pharmaceutical association for the advancement of the science and art of pharmacy, out of the annual fees collected by it, such sum, as it may deem advisable, but not to exceed one dollar for each pharmacist and one dollar for each assistant pharmacist, who shall have paid his renewal fee during such year. Said association shall annually report to said board on the condition of pharmacy in the state. ('13 c. 575 § 11) [5047]

5816. Penalties — Prosecutions — Every registered pharmacist or assistant who shall fail, while continuing in business, to pay the annual fee required in this subdivision, and every person who shall make any false representation to procure his name or that of another to be registered, or violate any other provision of this subdivision, when no punishment is specifically provided, shall be liable to a penalty of fifty dollars for each and every such offense. The penalties prescribed in this subdivision may be recovered in a civil action instituted by the board in the name of the state, or by a criminal prosecution upon complaint being made. In case any county attorney shall omit or refuse to conduct such proceedings, the board may employ another attorney for the purpose. (2341) [5048]

EMBALMERS

5817. License required—What constitutes practice of embalming—No person shall embalm any dead human body or practice embalming in the State of Minnesota without being licensed by the State Board of Health, as hereinafter provided. All persons shall be said to practice embalming, within the meaning of this act, who shall embalm dead human bodies, or who shall take charge of the remains of those dead of a communicable disease, or prepare dead human bodies for shipment, or hold himself out to do any of the above acts by advertising or any other means. ('05, c. 101, § 1; amended '27, c. 305) [5049]

5818. Examination by state board of health—Grant of license—The State Board of Health of the State of Minnesota is hereby authorized and empowered to examine all applicants for license to practice embalming and to determine whether or not such applicants possess the necessary qualifications to practice embalming; and, if upon such examination, said board shall determine that such applicant is properly qualified to practice embalming, it shall grant a license to

5813
239nw 611
See 9281

5814
173m 322
217nw 342

5814
172m 132
214nw 766
237nw 817
239nw 820
See 5797

such person to practice embalming for a period ending the 31st day of July following. ('05, c. 101, § 2; amended '27, c. 305)

5819. Licenses—Fees—Qualifications of applicants—Applicants from other states—The applicant for an examination for license shall at the time of application pay a fee of ten dollars (\$10.00). No person shall be granted any such license unless he shall, in addition to other qualifications, be at least twenty-one (21) years of age, of good moral character, and shall have for at least one year had practical experience in embalming. Provided that any holder of a license issued by state authority in any other state maintaining a system and standard of examination for license to engage in the business or practice of embalming, which in the judgment of the board shall be substantially the equivalent of that required in this state for the issuance of a license therefor, may obtain a license from the board without examination in the discretion of the board upon payment of an application fee of twenty-five (\$25.00) dollars and upon proof of good moral character, which said license shall be valid only until the following 31st day of July. ('05, c. 101, § 3; amended '27, c. 305) [5051]

5820. Same—Renewal—Fee for—Any license may be renewed from time to time and shall be in force after such renewal for a period of two (2) years from the 31st day of the preceding July upon the payment of a renewal fee of two (\$2.00) dollars. All license fees including renewals shall be paid into state treasury and be available for paying the expense incident to carrying out the provisions of the act requiring the licensing of embalmers. ('05, c. 101, § 4; amended '27, c. 305) [5052]

5821. Revocation—The state board of health may revoke any license granted, or may refuse to grant or renew a license upon proof of the violation by the holder of such license or the applicant for such license or renewal of the rules of the state board of health concerning the care, custody or disposition of dead human bodies, or the disinfecting of premises where contagion exists, or for want of moral character or of capacity. ('05 c. 101 § 5) [5053]

5822. Penalties for violation—Any person who shall embalm a dead human body, or who shall hold himself out as an embalmer thereof without being licensed as herein provided shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than twenty-five dollars or more than a hundred dollars or imprisonment for a period of not to exceed three months. ('05 c. 101 § 6) [5054]

BARBERS

5823
; 29 — 270; 5823 to 5846. [Repealed.]

These sections (Laws 1921, c. 424, as amended by Laws 1923, c. 243, Laws 1925, c. 252, and Laws 1927, c. 159) are repealed by Laws 1927, c. 316, § 26, effective July 1, 1927. See § 5846-26, herein.

Laws 1925, c. 252, amending § 5833, read as follows: "All persons making application for examination under the provisions of this act shall be allowed to practice the occupation of a barber until the next meeting of said board, and said board shall issue a permit authorizing him or her so to practice said occupation until the next meeting of said board. Such permit shall not authorize the holder to conduct a barber shop, but shall entitle the holder to practice such occupation only under the supervision of a licensed barber. Such permit shall be displayed in a conspicuous place in front of his or her working chair."

Laws 1927, c. 159, amending § 5846, read as follows: "Any person, practicing the occupation of a barber, or barber's apprentice, or students, in this state, without having obtained a certificate of registration or permit, as provided by this act, or employing a barber or ap-

prentice who has not such certificate or permit, or falsely pretending to be qualified to practice said occupation, under this act or for failure to display his or her card or insignia or permit as provided by this act, or who shall violate any of the sanitary rules adopted by the board, or any of the provisions of this act, is guilty of a misdemeanor."

Annotations to § 5832.

Is not applicable to women employed in so-called beauty parlors, who dress and cut, or bob, women's hair. 160-191, 199+569.

Annotations to § 5845.

Is not applicable to women employed in so-called beauty parlors, who dress and cut, or bob, women's hair. 160-191, 199+569.

5846-1. Certificate of registration required—Apprentices—Operation of barber shops—After July 1, 1927, no person shall practice or attempt to practice barbering without a certificate of registration as a registered barber issued pursuant to the provisions of this Act, by the Board of Barber Examiners herein-after established.

After July 1, 1927, no person shall serve or attempt to serve as an apprentice under a registered barber until he has filed notice with the board of his intention of becoming an apprentice under a registered barber.

After July 1, 1927, it shall be unlawful to operate a barber shop unless it is at all times under the direct supervision and management of a registered barber. ('27, c. 316, § 1, effective July 1, 1927)

5846-2. Practice of barbering defined—Any one or any combination of the following practices when done upon the head and neck for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or without payment for the public generally constitutes the practice of barbering.

To shave, trim the beard, cut or bob the hair of any person of either sex (except the slight hair trimming of women as a part of women's hair dressing) for compensation or other reward, received by the person performing such service or any other person, shall be construed as practicing the occupation of barbering within the meaning of this Act;

Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances;

Singeing, shampooing the hair or applying hair tonics;

Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck. ('27, c. 316, § 2, effective July 1, 1927)

5846-3. Registered apprentices—No registered apprentice may independently practice barbering, but he may as an apprentice do any or all of the Acts constituting the practice of barbering under the immediate personal supervision of a registered barber, and only one such apprentice shall be employed in any barber shop. ('27, c. 316, § 3, effective July 1, 1927)

5846-4. Professions not within operation of law—The following persons are exempt from the provisions of this Act while in the proper discharge of their professional duties.

1. Persons authorized by the law of this State to practice medicine, surgery, osteopathy, chiropractic and massage;
2. Commissioned medical or surgical officers of the United States Army, Navy or Marine Hospital Service;
3. Registered nurses;
4. Persons practicing beauty culture.

However, the provisions of this Section shall not be construed to authorize any of the persons exempted to shave or trim the beard or cut the hair of any person for cosmetic purposes. ('27, c. 316, § 4, effective July 1, 1927)

5846-5. Persons qualified to receive certificates of registration as barbers—A person is qualified to receive a certificate of registration to practice barbering;

1. Who is qualified under the provisions of Section 6 of this Act;

2. Who is at least 18 years of age;

3. Who is of good moral character and temperate habits and free from any contagious or infectious disease;

4. Who has practiced as a registered apprentice for a period of 18 months under the immediate personal supervision of a registered barber; and

5. Who has passed a satisfactory examination conducted by the Board to determine his fitness to practice barbering.

An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the Board, must continue to practice as an apprentice for an additional six months, before he is again entitled to take the examination for a registered barber. ('27, c. 316, § 5, effective July 1, 1927)

5846-6. Persons qualified to receive certificates of registration as apprentices—A person is qualified to receive a certificate of registration as a registered apprentice;

1. Who has completed at least six grades of a grammar school education or who has had the equivalent thereto, and

2. Who is of good moral character and temperate habits and free from any contagious or infectious disease;

3. Who has graduated from a school of barbering approved by the Board or who has studied the practice and occupation of barbering under a qualified registered barber who is actively engaged in such practice for not less than one year; and

4. Who has passed a satisfactory examination conducted by the Board, to determine his fitness to practice as a registered apprentice, and

5. An applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination is required to complete a further course of study of not less than five hundred hours, to be completed in three months, of not more than eight hours in any one working day, in a school of barbering approved by the Board. ('27, c. 316, § 6, effective July 1, 1927)

5846-7. Schools of barbering—Approval by Board—Instructors—Charges made by—Conduct and operation of—Permits to operate—No school of barbering shall be approved by the Board unless it requires as a prerequisite to admission thereto, graduation from the sixth grade of a grammar school or its equivalent as determined by an examination conducted by the Board, and unless it requires as a pre-requisite to graduation a course of instruction of not less than 1,000 hours to be completed within 6 months of not more than 8 hours in any one working day; such course of instruction to include the following subjects: Scientific fundamentals for barbering, hygiene, practical study of the hair, skin, nails, muscles and nerves, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, hair, glands, massaging and manipulating the muscles of the face

and neck, hair cutting, shaving and trimming the beard.

Provided, further, that it shall be permissible for barber schools and barber colleges teaching the occupation of barbering to make a reasonable charge for materials used and services rendered by students for work done in such schools or colleges by students and there shall be one instructor to every fifteen students or minor fraction in excess thereof. Barber colleges and schools shall open at 8 A. M. and close at 6 P. M., except on days preceding holidays when the hours shall be 8 A. M. and 6:30 P. M.

All barber schools or colleges shall each respectively be conducted and operated in one building, or in connecting buildings, and no barber school or college shall have any department or branch in a building completely separated or removed from the remainder of such barber school or college.

Any person may own and operate a barber college who has had ten years' continuous experience as a barber, providing such person shall first secure from the Board a permit to do so, and shall keep the same prominently displayed, and shall before commencing business file with the Secretary of State a bond to the State, approved by the Attorney General, in the sum of One Thousand \$(1,000.00) Dollars, conditioned upon the faithful compliance of said barber school with all the provisions herein, and to pay all judgments that may be obtained against said school or the owners thereof on account of fraud, misrepresentation or deceit practiced by them or their agents; provided, further, that all barber schools or colleges shall keep prominently displayed a substantial sign as barber school or college. Provided, further, that all barber schools upon receiving students shall immediately apply to said Board for student permits upon blanks for said purpose furnished by the Board. ('27, c. 316, § 7, effective July 1, 1927)

5846-8. Applications for examination—Each applicant for an examination shall:

1. Make application to the Board on blank forms prepared and furnished by the Board, such application to contain proof under the applicant's oath of the particular qualifications of the applicant;

2. Furnish to the Board two 5"x3" signed photograph of the applicant, one to accompany the application and one to be returned to the applicant, to be presented to the Board when the applicant appears for examination. ('27, c. 316, § 8, effective July 1, 1927)

5846-9. Conduct and scope of examinations—The Board shall conduct examinations of applicants for certificates of registration to practice as registered barbers not less than four times each year, at such time and place as the Board may determine, and of applicants for certificates of registration to practice as registered apprentices every 30 days.

The examination of applicants for certificates of registration as registered barbers and registered apprentices shall include both a practical demonstration and a written and oral test, and shall embrace the subjects usually taught in schools of barbering approved by the Board. ('27, c. 316, § 9, effective July 1, 1927)

5846-10. Issue of certificates of registration to barbers and apprentices—Whenever the provisions of this Act have been complied with, the Board shall issue a certificate of registration as a registered barber or as registered apprentice. ('27, c. 316, § 10, effective July 1, 1927)

5846-11. Journeymen barbers—Permits to practice as—A person who is at least 18 years of age and of

good moral character and temperate habits, and either

1. Has a license or certificate of registration as a practicing barber from another State or country, which has substantially the same requirements for licensing or registering barbers as required by this Act, or

2. Who can prove by sworn affidavits that he has practiced as a barber in another state or country for at least 5 years immediately prior to making application in this state, shall upon payment of the required fee be issued a permit to practice as a journeyman barber only until he is called by the Board for examination to determine his fitness to receive a certificate of registration to practice barbering. Should he fail to pass the required examination, he will be allowed to practice as a journeyman barber until he is called by the Board for the next term of examinations. Should he fail at the third examination, he must cease to practice barbering in this state. ('27, c. 316, § 11, effective July 1, 1927)

5846-12. Permits to apprentices from other states or countries—1. A person who is of good moral character and temperate habits, and

2. Has a certificate of registration as an apprentice in a state or country which has substantially the same requirements for registration as an apprentice as is provided by this Act shall upon payment of the required fee be issued a permit to work as an apprentice until called by the Board for examination to determine his fitness to receive a certificate of registration as an apprentice. Being able to pass the required examination he will be issued a certificate of registration as a registered apprentice, and the time spent in such other state or country shall be credited upon the period of apprenticeship required by this Act as a qualification to take the examination to determine his fitness to receive a certificate of registration as a registered barber.

A person who has practiced as an apprentice in another state or country which does not have substantially the same requirements for registration as an apprentice as required by this Act, and who has the qualifications required in Section 6 of this Act, shall be credited with the time so spent as an apprentice in such other state or country upon the period of apprenticeship required by this Act as a qualification to take the examination to determine his fitness to receive a certificate of registration as a registered barber. ('27, c. 316, § 12, effective July 1, 1927)

5846-13. Persons already holding certificates—Every barber in this state holding a certificate of registration as such, and every apprentice in this state holding a permit or certificate to practice as such, issued pursuant to the provisions of any statute repealed by this Act, at the time of the taking effect of this Act shall have the right to continue to practice as a registered barber or apprentice, as the case may be, until December 31st, 1927, without the payment of any fees or any other act and shall thereafter have the right to be registered and practice as such barber or apprentice upon payment of the registration fee or fees required by this Act. ('27, c. 316, § 13, effective July 1, 1927)

5846-14. Display of certificates—Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his work chair. ('27, c. 316, § 14, effective July 1, 1927)

5846-15. Renewal certificates—All registered barbers and all registered apprentices who continue in active practice or service shall on or before December

31st, 1927, and thereafter annually, on or before December 31st of each year, renew their certificates of registration for the following year and pay the required fee. Every certificate of registration which has not been renewed during the month of December in any year shall expire on the 31st day of December in that year. Registered barbers or registered apprentices whose certificates of registration have expired may have their certificates restored immediately upon payment of the required restoration fee. All registered barbers who retire from the practice of barbering for not more than five (5) years may renew their certificates of registration upon payment of the required restoration fee. ('27, c. 316, § 15, effective July 1, 1927)

5846-16. Refusal of certificates or renewals, and suspension or revocation of certificates—The Board may either refuse to issue or renew, or may suspend or revoke any certificate of registration for any one or combination of the following causes:

(a) Gross malpractice or gross incompetency.
 (b) Continued practice by a person having an infectious or contagious disease.
 (c) Advertising by means of knowingly false or deceptive statements.
 (d) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit-forming drugs.

(e) Immoral or unprofessional conduct.
 (f) The commission of any of the offenses described in sub-division C, D, E, F, G or H of Section 18 hereof.

(g) The failure to practice for the period of five (5) years prior to the date of application for issuance or renewal of license, or prior to such suspension or revocation of license.

(h) Violation of so-called Sunday closing laws, being Sections 10234 to 10236, both inclusive, of General Statutes of Minnesota, 1923. ('27, c. 316, § 16, effective July 1, 1927)

Explanatory note—The reference to section 18 in this section should be to section 19. See § 5846-19, herein.

5846-17. Same—Procedure—The Board may neither refuse to issue or refuse to renew, nor suspend, or revoke any certificate of registration, however, for any of these causes unless the person accused has been given at least 5 days' notice in writing of the charge against him and a public hearing by the Board.

Upon the hearing of any such proceeding, the Board may administer oaths and may procure by its subpoena, the attendance of witnesses and the production of relevant books and papers. ('27, c. 316, § 17, effective July 1, 1927)

5846-18. Fees—The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering shall be \$10.00.

The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is \$2.00, and for the issuance of the certificate \$1.00.

The fee to be paid for the renewal of a certificate of registration to practice barbering is \$2.00, and for the restoration of an expired certificate, \$5.00.

The fee to be paid for the renewal of a certificate of registration to practice as an apprentice is \$1.50, and for the restoration of an expired certificate, \$3.00.

The fees for examination and certificates as required in this Act shall be paid in advance to the secretary of the board of examiners and shall be deposited by him in the state treasury to be disbursed

by the secretary on the order of the chairman in payment of expenses lawfully incurred by the board. ('27, c. 316, § 18, effective July 1, 1927)

Explanatory note—Moneys received by board paid into state treasury. See § 53-47, herein.

⁵⁸⁴⁶
20 — 386 5846-19. **Offenses—Penalties**—Each of the following constitutes a misdemeanor:

(a) The violation of any of the provisions of Section 1 of this Act.

(b) Permitting any person in one's employ, supervision or control to practice as an apprentice unless that person has a certificate of registration as a registered apprentice.

(c) Obtaining or attempting to obtain a certificate of registration for money other than the required fee, or any other thing of value, or by fraudulent misrepresentation.

(d) Practicing or attempting to practice by fraudulent misrepresentations.

(e) The willful failure to display a certificate of registration as required by Section 14, and

(f) The use of any room or place for barbering which is also used for residential or business purposes (except the sale of hair tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco, candies in original package and such commodities as are used and sold in barber shops), unless a substantial partition of ceiling height separates the portion used for residential or business purposes, except that a barber shop and beauty parlor may be operated in conjunction, without the same being separated by a partition of ceiling height.

(g) The failure or refusal by any barber or other person in charge of any barber shop or any person in barber schools or colleges doing barbering service work, to use separate and clean towels for each customer or patron, or to discard and launder each towel after once being used.

(h) The failure or refusal by any barber or other person in charge of any barber shop or barber school or barber college to supply clean hot and cold water in such quantities as may be necessary to conduct such shop, or the barbering service of such school or college in a sanitary manner, or the failure or refusal of any such person to have water and sewer connections from such shop, or barber school or college with municipal water and sewer systems where the latter are available for use, or the failure or refusal of any such person to maintain a receptacle for hot water of a capacity of less than five (5) gallons. ('27, c. 316, § 19, effective July 1, 1927)

5846-20. **False statements—Perjury**—The wilful making of any false statement as to a material matter in any oath or affidavit which is required by the provisions of this act is perjury and punishable as such. ('27, c. 316, § 20, effective July 1, 1927)

5846-21. **Board of barber examiners—Members—Qualifications—Appointment—Terms—Vacancies—Removal**—A board, to be known as the Board of Barber Examiners, is established, to consist of three (3) members appointed by the Governor. Each member shall be a practical barber who has followed the occupation of a barber in this state for at least five (5) years immediately prior to his appointment. Each member shall furthermore be a graduate from the eighth grade of a grammar school or have an equivalent education, and must have knowledge of the matters to be taught in approved schools of barbering as set forth in Section 7 hereof, and shall be qualified and competent to pass upon all matters likely to come be-

fore said board. One of said members shall be a member or recommended by a union of journeyman barbers which shall have existed at least two (2) years, and one of said members shall be a member of or recommended by the Master Barbers Association of Minnesota.

The members of the first board appointed shall serve for three (3) years, two (2) years and one (1) year, respectively, as appointed, and members appointed thereafter shall serve for three (3) years. The governor may remove a member for cause.

Members appointed to fill vacancies caused by death, resignation or removal shall serve during the unexpired term of their predecessors. Provided, that the present members of the board of barber examiners shall remain in office until the completion of their respective terms. ('27, c. 316, § 21)

Explanatory note—For § 7, see § 5846-7, herein.

5846-22. **Same—Officers—Seal—Records—Bonds of members—Quorum—Secretary—Compensation of members and secretary—Reports—Employees—Funds**—The board shall elect a chairman and secretary. It shall adopt and use a common seal for the authentication of its orders and records.

The secretary shall keep a record of all proceedings of the board and shall turn over to the Treasurer of the State, all moneys collected, at least once a month.

Each member of said board shall give a bond in the sum of Five Thousand (\$5,000) dollars with sureties to be approved by the Secretary of State, conditioned for the faithful performance of his duties, and shall take the oath provided by law for public officers.

A majority of the Board, in meeting duly assembled, may perform and exercise all the duties and powers devolving upon the Board.

The Secretary of the Board shall receive a compensation of Three Thousand (\$3,000.00) Dollars per annum, and the other members of the Board shall receive a compensation of Ten (\$10.00) Dollars per day for each of actual service in the discharge of their duties as such, and in addition thereto, all members of the Board, including the Secretary, shall be reimbursed and receive their necessary traveling expenses incurred in the discharge of their duties, both salaries and expenses to be paid only and from out of the fund created by fees collected in the administration of this Act. Each member of the Board shall file monthly with the Secretary of said Board, a complete report showing his activities during the preceding month, and stating in detail the places, shops, schools, or colleges visited or inspected by such Board member. The Board shall report annually to the governor, a full statement of the receipts any disbursements of said Board, and also a full statement of its doings and proceedings during the year, with such recommendations as it may deem expedient.

The Board shall have authority to employ such inspectors, clerks, deputies and other assistants as it may deem necessary to carry out the provisions of this Act.

Any funds in the state treasury to the credit of the present Board of Barber Examiners shall be transferred to and made available for use by the Board established under the provisions of this Act. ('27, c. 316, § 22, effective July 1, 1927)

5846-23. **Same—Rules and regulations—Inspections—Records**—The Board shall have authority to make reasonable rules and regulations for the administration of the provisions of this Act and prescribe sani-

tary requirements for barber shops and barber schools, subject to the approval of the State Board of Health. Any member of the Board or its agents or assistants shall have authority to enter upon and to inspect any barber shop or barber school at any time during business hours. A copy of the rules and regulations adopted by the Board shall be furnished by the Board to the owner or manager of each barber shop and barber school, and such copy shall be posted in a conspicuous place and in such barber shop or barber school.

The Board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, place of business and residence of each registered barber and registered apprentice and the date and number of his certificate of registration. This record shall be open to public inspection at all reasonable times. ('27, c. 316, § 23, effective July 1, 1927)

Explanatory note—Registration record filed with Secretary of State. See § 53-47, herein.

5846-24. Service to patrons with certain diseases—No person practicing the occupation of a barber in any barber shop, barber school or college in this state shall knowingly serve a person afflicted in a dangerous or infectious state of the disease with erysipelas, eczema, impetigo, sycois, tuberculosis, or any other contagious or infectious disease. Any person so afflicted is hereby prohibited from being served in any barber shop, barber school or college in this state. Any violation of this section will be considered a misdemeanor as provided for in this act. ('27, c. 316, § 24, effective July 1, 1927)

5846-25. Partial invalidity of law—If any portion of this act is declared unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the remainder of the act which can be given effect without the invalid portion. ('27, c. 316, § 25, effective July 1, 1927)

5846-26. Laws repealed—Session Laws 1921, Chapter 424, Session Laws 1925, Chapter 252; and Sections 5823 to 5846, both inclusive, of General Statutes of Minnesota, 1923, and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed. ('27, c. 316, § 26, effective July 1, 1927)

Explanatory note—See note to §§ 5823 to 5846, herein. Laws 1921, c. 424, § 25 repealed G. S. '13, §§ 5055 to 5062.

HAIR DRESSERS AND BEAUTY CULTURISTS.

5846-27. Unlawful to engage in occupation or conduct shops except as authorized—It shall be unlawful for any person to engage in the occupation of hairdresser and beauty culturist, or to conduct a hairdressing and beauty culture shop or school, except as hereinafter provided. ('27, c. 245, § 1, effective July 1, 1927)

Explanatory note—Section 22 of Laws 1927, c. 245 repeals all inconsistent acts or parts of acts.

5846-28. Definitions—Places where taught or practiced—For the purposes of this act, the following definitions shall be adopted and understood to be included within the meaning of the Act.

(a) Any person who engages for compensation in the following practices, to-wit: arranging, dressing, curling, waving, cleansing, singeing, bleaching, coloring, or similar work upon the hair of any living person by any means, or slight hair trimming of women, as a part of women's hairdressing; the use of cosmetic

preparations, antiseptics, tonics, lotions, or creams, aided with the hands or mechanical or electrical apparatus, or appliances used in massaging, cleansing, stimulating, manipulating, exercising, beautifying, the scalp, face, neck, arms, bust or upper part of the body for purposes of beautification, shall be defined as and construed to be practicing hairdressing and beauty culture.

(b) An operator is any person who has secured a license to engage in and engages in and follows the practices as named within this Act.

(c) A manager-operator is any person of legal age who owns, operates, conducts or manages a hairdressing and beauty culture shop or school; or who instructs in practical hairdressing and beauty culture work; provided, however, that it shall be lawful for any person to own, operate, conduct or manage a hairdressing and beauty culture shop or school without being licensed as a manager-operator if such person does not instruct in or practice any of the practices as defined in this Act but does employ one or more manager-operators in said shop or school to manage same or instruct therein.

(d) Hairdressing and beauty culture shall be practiced or taught only in a room or rooms not used for sleeping or residential purposes and such room or rooms must be equipped with hot and cold running water and with sewer connections. Where water and sewer connections are not available there must be maintained a proper receptacle for hot water of a capacity of not less than five gallons, and such cesspool or other method for the disposal of sewage and waste matter as may be approved by the local health authorities or local municipal ordinances. ('27, c. 245, § 2, effective July 1, 1927)

5846-29. Board of hairdressing and beauty culture examiners—Members—Seal—For the purposes of this Act there is hereby created and established a Board to be known by the name and style of State Board of Hairdressing and Beauty Culture Examiners, which shall consist of three members, and shall have an official seal. ('27, c. 245, § 3, effective July 1, 1927)

5846-30. Same — Appointment — Qualifications — Terms—Removal—That within sixty days after the passage of this Act, the Governor shall appoint a State Board of Hairdressing and Beauty Culture Examiners consisting of three members, each of whom shall have had at least three years of experience and practice in this state in the occupation and practices as named within this Act; one to serve one year, one to serve two years, and one to serve three years, and until their successors are duly appointed and qualified, and thereafter the term of each member shall be three years. The Governor may remove any member of the Board with or without cause. The Board members shall be citizens of this State and shall not be members of nor affiliated with any school duly licensed and teaching the practices as defined herein, while a member of the Board, nor shall any two members of said Board be graduates of the same school, or system of schools teaching the practices as defined herein. ('27, c. 245, § 4, effective July 1, 1927)

5846-31. Same — Meetings — Officers — Quorum — Rules — Records — Said Board shall within thirty days after being so appointed, and annually on the second Tuesday of each year thereafter, assemble at the Capitol Building at St. Paul, Minnesota, and then and there organize by electing a president, vice president and secretary-treasurer to serve until their successors are appointed and qualified. Each member of

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the Board shall take the oath provided by law for public officers. Said Board shall meet for the purposes of examining applicants for license and of examining and granting applications for license at the State Capitol building in St. Paul on the second Tuesday in the months of January and July of each year, and at two other meetings during each year the time and place of which the Board shall designate. A quorum for the transaction of business shall consist of the entire Board. It shall have power to formulate rules to govern its activities. The Secretary-treasurer shall keep a record of all the Board's official proceedings and said record shall be prima facie evidence of all matters therein recorded. No meeting of the Board shall continue for a period of more than five days, without the consent of the State Department of Administration and Finance. ('27, c. 245, § 5, effective July 1, 1927)

5846-32. Same — Secretary-treasurer — Salary — Expenses — Bond — The Secretary-treasurer of said Board shall maintain the office of said Board, and shall devote his entire time to the duties of said office, and shall receive an annual salary of two thousand dollars, (\$2,000.00) payable in semi-monthly installments, and any necessary expenses incurred in the performance of official duties. The Secretary-treasurer of said Board shall give a corporate surety bond to the State of Minnesota in such sum, not less than ten thousand dollars (\$10,000), as may be deemed necessary by the members of the Board, and approved by said Board, and conditioned upon the faithful performance of the duties of his office by the said Secretary-treasurer. ('27, c. 245, § 6, effective July 1, 1927)

5846-33. Same — Compensation and expenses of members—Each member of the Board, other than the Secretary-treasurer, shall receive the sum of ten dollars (\$10.00) for each day employed in the actual discharge of his official duties, and any necessary expenses incurred incidental thereto. Compensation and expenses of and for the Board shall be paid out of the funds of the Board deposited in the State Treasury and not otherwise. ('27, c. 245, § 7, effective July 1, 1927)

5846-34. Qualifications of applicants for examinations and licenses—License fees—The Board shall determine the sufficiency of the preliminary qualifications of the applicants for admission to examinations for license or qualifications for license. The following preliminary qualifications shall be sufficient:

(a) An operator may be licensed as such under this Act upon the payment of a fee of Five Dollars (\$5.00), provided he is of good moral character, and free from contagious or infectious diseases, is at least sixteen (16) years of age, and shall have satisfactorily passed both practical and theoretical examinations as given by the Board. The examination of such applicants shall be conducted under rules prescribed by such Board, and such examination shall include both practical demonstrations and written or oral tests, and shall not be confined to any specific system or method of hairdressing and beauty culture, and such examination shall be consistent with the practical and theoretical requirements as provided by this Act.

(b) A manager-operator may be licensed as such under this Act upon the payment of a fee of Ten Dollars (\$10.00) provided that he has practiced as an operator in this state for at least one year, and upon complying with all other requirements applicable to a manager-operator as provided for in this Act.

(c) Renewal license fees shall be as follows:

For Operator—\$2.00.

For Manager-operator—3.00. ('27, c. 245, § 8, effective July 1, 1927)

5846-35. Temporary licenses to operators—The Board, through its secretary-treasurer, shall grant to graduates of approved schools, upon the payment of one dollar as a fee, temporary licenses authorizing such graduates to practice as an operator, under the supervision of a licensed manager-operator, in the practice of hairdressing and beauty culture for a period of not to exceed 90 days, or until the next examination for license is held by the Board. No such temporary license shall be issued except upon the presentation by the applicant of a certificate of graduation from a duly approved school under the provisions of this Act. ('27, c. 245, § 9, effective July 1, 1927)

5846-36. Schools—Approval by board—Instructors and course of instruction—It shall be competent for any person, firm, or corporation, conducting a hairdressing and beauty culture school, to apply to and receive from said Board its approval of and for such school, and to have such school rated by the Board as an approved school in hairdressing and beauty culture and placed upon its list of such approved schools, upon complying with the following provisions:

(a) The school shall maintain upon its staff competent and qualified instructors and such school shall give and require a course of training and instruction of not less than six hundred and twenty-five (625) hours of class room work, to include both practical instruction and study and recitation in sanitation, sterilization, and the use of antiseptic consistent with the practical and theoretical requirements as applicable to and as provided in this Act; and shall comply with all rules and regulations relating to schools as in this Act contained.

(b) No school, duly approved under this Act, shall refuse to teach any student, otherwise qualified, on account of race, creed or color. ('27, c. 245, § 10, effective July 1, 1927)

5846-37. Same—Charges for student work—Nothing contained in this Act shall prevent any duly approved school teaching hairdressing and beauty culture from making a charge for student work done in said school to cover the cost of materials used and expenses incurred in and for the operation of said school. That all of such student work shall be advertised and held forth as being student work, and not otherwise. ('27, c. 245, § 11, effective July 1, 1927)

5846-38. Shops—Health and sanitary rules—In the conduct and operation of a hairdressing and beauty culture shop or school the following health and sanitary rules shall be complied with:

(a) All premises and contents thereof shall be maintained in a clean and sanitary condition.

(b) Hair brushes, combs, and any and all instruments used, must be cleaned and sterilized after using on each customer or patron.

(c) Each and every operator, manager-operator or student of and in any hairdressing and beauty culture shop or school shall use separate and clean towels for application upon each customer or patron, and shall wash their hands with soap and hot water and clean their finger-nails before working upon each customer or patron. No towel or other linen shall be used upon more than one customer or patron until freshly laundered.

(d) No operator, manager-operator, or student shall knowingly work upon or permit any person to

be served in any of the hairdressing and beauty culture practices in any shop or school who is afflicted in a dangerous or infectious stage of erysipelas, eczema, impetigo or other visible skin diseases. ('27, c. 245, § 12, effective July 1, 1927)

5846-39. Practitioners from other states—The Board may dispense with and waive the examination for license upon the application of any person who is able to furnish documentary evidence and proof of having practiced in another state for a period of at least one year prior to the time of such application for license, and where the requirements both moral and educational, if such applicant is licensed in such other state, are substantially equal to the provisions of this Act, upon the payment of the fee for license as provided herein. ('27, c. 245, § 13, effective July 1, 1927)

5846-40. Applications for license without examination—Qualifications of applicants—Issue of license—All persons who have been engaged in the practice of hairdressing and beauty culture in this state for a period of six months or more prior to the passage of this Act shall, within sixty days after the passage of this Act, make application in writing to the said Board, upon a form to be prepared and supplied by said Board, for a license as an operator, or if qualified for a license as a manager-operator, as provided for in this Act. All such applicants shall be required to furnish proof that they are of good moral character, are free from any contagious or infectious disease, and that they have practiced hairdressing and beauty culture in this state for a period of six months or more prior to the passage of this Act. Such proof of practice and good moral character shall be by affidavit from two or more reputable citizens who reside in the community in which the applicant practices or has practiced. Upon such proof and the furnishing and filing of same with the applicant's application for license, the Board shall issue without examination to such applicant either an operator's license or a manager-operator's license upon the payment of the required fee. ('27, c. 245, § 14, effective July 1, 1927)

5846-41. Display of license—Renewal licenses—Every holder of a license granted by the said Board, as provided in this Act, shall display it in a conspicuous place in his place of business. All licenses shall expire December 31st of the year in which issued, unless renewed as herein provided. The holder of a license issued by the said Board shall annually, on or before the 31st day of December, renew his license and pay the renewal fee. ('27, c. 245, § 15, effective July 1, 1927)

5846-42. Refusal of licenses and renewal licenses—Revocation or suspension of licenses—Reissue—The said Board shall have the following additional powers:

(a) It may refuse to grant or renew a license to a person guilty of fraud in passing examination, or at any time found guilty of a felony, immorality, or grossly unprofessional or dishonest conduct, or to a person having been convicted of advertising by means of false or deceptive statements, or for the failure to display his license in a conspicuous place in his place of business.

(b) It may revoke or suspend licenses, upon proof of violation of the rules and regulations herein set forth, for practicing while having any contagious or infectious disease, or for gross incompetency; or it may revoke or suspend the license of any manager-operator or operator who permits an unlicensed operator to work upon a customer or patron in any shop or shops. Provided, however, that before any license

shall be revoked or suspended the holder thereof shall have notice in writing of the charge or charges made and filed against him, and shall at a day specified in the said notice, at least twenty days after the service of said notice, be given a public hearing and full opportunity to produce testimony and evidence in his behalf and to confront the witnesses against him. Said Board shall have authority to administer oaths and take testimony. Any person whose license has been so revoked or suspended may on written application to the said Board, have the same re-issued to him or the suspension lifted upon satisfactory showing that the disqualification has ceased. ('27, c. 245, § 16, effective July 1, 1927)

5846-43. Notice of board meetings—Publication—Notice of Board meetings, at which applicants or licensed practitioners are to appear, shall be published once each week for three consecutive weeks before the date of such meetings in a daily newspaper in each city of the first class. ('27, c. 245, § 17, effective July 1, 1927)

5846-44. Fees—Disposition of—All fees as provided in this Act, shall be paid in advance to the Secretary-treasurer of the Board and shall be by him deposited in the State Treasury and credited to the Board created hereby and the said Board shall in all respects be subject to Article 19, of Chapter 426, Laws of 1925. Said funds shall be disbursed by the Secretary-treasurer only on the order of the President of said Board and in payment of expenses lawfully incurred and approved by the Board, and with the approval of the State Board of Administration and Finance in those cases set forth heretofore where such approval is required. On the failure to pass an examination for license the fee paid shall not be returned to the applicant, but at any time within one year after such failure such applicant may present himself and take a second examination without the payment of any additional license fee. ('27, c. 245, § 18, effective July 1, 1927)

Explanatory note—For Laws 1925, c. 426, Art. 19, see § 53-47, herein.

5846-45. Emergency services—Other services excepted—Nothing in this Act shall prohibit services in cases of emergency where compensation or other reward is not received, nor in domestic service, nor services by persons authorized and licensed under the laws of this State to practice medicine, surgery, dentistry, chiropody, osteopathy, chiropractice, massage, or barbering. However, this section shall not be construed to authorize any of the persons so exempted to wave the hair, or to color, tint, or bleach the hair, in any manner whatsoever. ('27, c. 245, § 19, effective July 1, 1927)

5846-46. Practice by operators in homes of customers—That nothing contained in this Act, notwithstanding any provision contained in Sub-division (d) of Section 2, shall be construed to prohibit a licensed operator under the provisions of this Act, who has had experience and practice for a period of one year or more, from engaging in the practices as defined in this Act in the homes of customers or patrons under such sanitary and health rules and regulations as may be prescribed and set down by the State Board of Health and the Board provided for herein. ('27, c. 245, § 20, effective July 1, 1927)

Explanatory note—For section 2, see § 5846-28, herein.

5846-47. Violations of law—Penalty—Any person who violates any of the provisions of this Act, shall

be guilty of a misdemeanor. ('27, c. 245, § 21, effective July 1, 1927)

VETERINARIANS

5847. Veterinary examining board—The state veterinary examining board shall consist of five qualified veterinarians, graduates of reputable veterinary colleges, appointed by the governor, each for the term of five years, one to be appointed each year, the first board, however, to consist of five members who shall hold office for one, two, three, four, and five years, respectively, and thereafter for the term of five years each and until their successors qualify. The board shall elect from its number a president, a secretary and treasurer, and shall have a seal, and shall have power to administer oaths and take testimony. It shall hold meetings for the examination of applicants for license to engage in veterinary work at the capitol, on the Tuesday preceding the second Wednesday in January and July in each year, and such other meetings as may be necessary; but no meeting shall exceed three days' duration. Each member shall receive five dollars a day for actual services, and mileage at four cents a mile for necessary travel, to be paid out of the funds of the board. The secretary shall conduct all correspondence necessary to carry out the provisions of this act; keep a record of all proceedings, including the name of every applicant for registration or examination, with his age, the extent of his study or practice, and the name of his veterinary college, if any, and shall receive such compensation as the board may elect. Such record shall be prima facie evidence of the matters therein contained. ('07 c. 419 § 1) [5063]

Section 6 repeals inconsistent acts, etc., thereby superseding R. L. §§ 2350-2353.

Registration records filed with Secretary of State. See § 53-47, herein.

5848. Who entitled to examination—Fee—License—Every graduate of a reputable and regularly organized veterinary college requiring a course of not less than three sessions of six months each shall be entitled to examination by the board, upon payment in advance of a fee of twenty-five dollars. All moneys so received shall be devoted to carrying out the provisions of this act. The board shall issue a license to every such applicant who, upon examination, shall be found qualified. ('07 c. 419 § 2) [5064]

Moneys received by board paid into state treasury. See § 53-47, herein.

5849. Renewal fee—Revocation—Every person registered by the board shall, while continuing to practice, annually pay to the secretary of the board a renewal fee of one dollar. All certificates now in force or which shall hereafter be issued, shall be subject to renewal on or before the first of May in each year. On hearing, the board may revoke any certificate or renewal which is obtained by fraud, or when the holder is guilty of gross moral or professional misconduct the board may deny a renewal of his certificate, subject to review by the courts. ('07 c. 419 § 3) [5065]

5850. Recording licenses—Every person holding a license from the board shall file it for record with the clerk of the district court in the county or counties where he practices within thirty days of its date; but it shall not be necessary to record an annual renewal. The clerk's fee in each case shall be one dollar. ('07 c. 419 § 4) [5066]

5851. Prohibitions—Prior laws — Penalties — No person who is not a holder of a license from the state

veterinary board, and no person who fails to have his license annually renewed, shall engage in veterinary practice for hire. But this shall not apply to the dehorning of cattle or the castration of animals, nor shall it prevent any one from rendering necessary assistance in the treatment of any domestic animal when the attendance of an authorized veterinarian cannot be procured without great inconvenience or risk. Provided, that any one who was eligible to registration under the provisions of section three of chapter one hundred forty-nine of the Laws of 1903, and who erroneously filed an application and affidavit with the clerk of the district court in his county shall upon payment of the fee provided for in section 2 receive a certificate. Provided, further, that any person who was eligible to registration, but who by reason of sickness failed to take advantage of chapter 31 of the General Laws of 1893, or chapter 149 of the Laws of 1903, may be granted a license by said board upon payment of a fee of twenty-five dollars as specified in section 2 [5848] of this act, provided application is made within thirty days after the passage of this act. Provided further, that any person who has practiced the profession of veterinary medicine, surgery and dentistry as a livelihood in this state for three years immediately preceding April 18, 1893, and who in the meantime shall not have been guilty of violating the provisions of section 7, chapter 31, Laws of 1893, and the acts amendatory thereof, shall be deemed eligible to registration as a licensed veterinarian in this state (upon passing a practical and non-technical examination) and upon the payment of a fee of twenty-five dollars, as prescribed in section 2 [5848] of this act. Provided that application for registration be made within ten days after the passage of this act. Every person who shall violate any of the provisions of this act shall be liable to a penalty of not less than twenty-five dollars nor more than one hundred dollars or not less than thirty nor more than ninety days' imprisonment for each and every such offense. The penalties prescribed in this section may be recovered in a civil action instituted by the board in the name of the state, or by a criminal prosecution upon complaint being made. In case any county attorney shall omit or refuse to conduct such proceeding, the board may employ another attorney for the purpose. ('07 c. 419 § 5) [5067]

79-243, 82-479.

Explanatory note—Laws 1903, c. 149 was repealed by R. L. '05, § 5546 (§ 10980 herein). Laws 1893, c. 31 was repealed by R. L. '05, § 5540 (§ 10969 herein).

HORSESHOERS

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5852. Board of examiners—The horseshoers' board of examiners shall consist of five members, residents of the state, appointed by the governor, each for the term of five years and until his successor qualifies. Two shall be master horseshoers, two journeyman horseshoers, and one a veterinarian. Each vacancy shall be filled for the unexpired term from the class to which the retiring member belonged. The board shall elect from its members a secretary, who shall record its proceedings, and it shall carry out the provisions of this subdivision. At least once a year, in every city of the first class, the board shall examine applicants for certificates of qualification to practice horseshoeing, and issue such certificates to those found qualified. A fee of two dollars shall be paid to the secretary by every person taking such examination, and such fees shall be used to defray the expenses of the board and pay its members. The secretary shall give public notice of every examination at least thirty days prior thereto.

No person shall be entitled to take such examination or receive such certificate unless he shall have had three years' experience as a horseshoer, or have served three years as a learner or apprentice under a master. (2354) [5068]

Explanatory note—Horseshoers' board of examiners abolished. See § 53-45, herein.

5853. Filing certificates — Copies — Exemption — All certificates shall be filed with the city clerk, and registered by him in a book kept for that purpose, upon receipt of a fee of twenty-five cents. Any person so registered shall be entitled to registration in any other city to which he may have removed, upon filing with the clerk thereof a certified copy of such certificate, the fee for which copy shall be fifty cents, and for filing the same twenty-five cents. Persons who were duly registered prior to the taking effect of the Revised Laws shall be exempt from examination. (2355) [5069]

5854. Registration—No person shall practice horseshoeing in any such city, otherwise than as a learner or apprentice under a master horseshoer, unless he is registered in accordance with this subdivision. Any person who shall present to a city clerk any certificate which has been fraudulently obtained, or who shall violate, or neglect to comply with, any provision of this subdivision, shall be guilty of a misdemeanor. (2356) [5070]

STALLIONS

5855. Horses used for breeding purposes to be registered—No person, firm or company shall use or offer for public service in this state, any stallion or jack, unless and until the owner of said stallion or jack shall have caused the name, description, and pedigree of such stallion or jack to be enrolled by the Stallion Registration Board, hereinafter provided for, and shall have secured a license certificate as hereinafter provided for. The term "Public service" for the purposes of this act shall apply to and include the mating of any stallion or jack, by any person, to mares other than his own. All enrollment and verification of pedigrees shall be done in the Division of Animal Husbandry of the Department of Agriculture, University of Minnesota. ('21 c. 293 § 1)

5856. Stallion Registration Board constituted — Meetings—Duties—In order to carry out the provisions of this act there shall be constituted a Stallion Registration Board which shall hereinafter be referred to as the "Board" whose duty it shall be to enroll, verify, and pass upon pedigrees; to pass upon certificates of examination; to issue stallion and jack license certificates; and to perform such other duties and incur such expenses as may be necessary to carry out and enforce the provisions of this act. Said Board shall hold meetings the first Tuesday and subsequent days of February, May, August and November of each year, and such other meetings as may be necessary. The Board shall be composed ex-officio of the president of the Minnesota Horse Breeder's Association, the veterinarian of the Minnesota Experiment Station, and the Professor of Animal Husbandry of the Department of Agriculture, University of Minnesota. Said Board shall have power to employ an executive officer to perform the active work and urgent duties provided for by this act. ('21 c. 293 § 2)

5857. Licenses—Recognized registry associations—In order to secure a license certificate herein provided for, the owner of said stallion or jack shall present to the Board an application for license together with

the original studbook registry certificate of said stallion or jack which is properly issued by a recognized registry association, and other papers relating to the breeding and ownership of said stallion or jack, and the fees hereinafter provided for. In the event that the certificate of registry presented shall in any manner be irregular or fraudulent, said Board shall have the power to refuse to issue a license based upon such certificate, or to revoke any license which may have been issued by reason thereof. The following registry associations are hereby designated as recognized registry associations: American Trotting Register Association; American Association of Importers and Breeders of Belgian Draft Horses; Arabian Horse Club of America; Cleveland Bay Society of America; American Clydesdale Association; French Coach Horse Society of America; French Coach Horse Registry Co.; German, Hanoverian, and Oldenburg Coach Horse Association of America; American Hackney Horse Society; Morgan Horse Register; Percheron Society of America; American Breeders and Importers Percheron Registry Co.; Percheron Registry Co.; American Saddle Horse Breeders Association; American Shetland Pony Club; American Shire Horse Association; American Suffolk Horse Association; The Jockey Club; The National French Draft Horse Association; Welsh Pony and Cob Society of America; Standard Jack and Jennett Registry of America; American Breeders Association of Jacks and Jennetts. Said owner shall have said stallion or jack examined by a qualified, graduate veterinarian approved by the Board, and it shall be the duty of the examining veterinarian to furnish the Board with a certificate of examination certified to before a Notary Public, setting forth the condition of soundness of the stallion or jack examined. Upon verification of the certificate of pedigree and upon receipt of the veterinarian's certificate of soundness, and upon payment of the fee hereinafter provided for, a stallion or jack license shall be issued to the owner of said stallion or jack, except as hereinafter provided for. ('21 c. 293 § 3)

5858. Diseases—Examination—The presence of any one or more of the following named diseases shall disqualify a stallion or jack from public service, and are hereby defined as infectious, contagious, or transmissible disease or unsoundness for the purposes of this act: Bone spavin, sidebone, ringbone, curb (when accompanied by curby formation of the hock), glanders-farcy, maladie-ducoit, urethral gleet, and mange. The Board is hereby authorized to refuse certificate of enrollment to any stallion affected with any one of the diseases or unsoundnesses specified, and to revoke a previously issued stallion license certificate of any stallion found on examination to be so affected. Provided, however, that in the event a stallion, previously licensed, is found upon re-examination to be affected with any disease or unsoundness hereinbefore specified, the Board may grant the owner of said stallion a license, said license to set forth the condition of soundness as reported by the examining veterinarian. The owner of every stallion or jack licensed under the provisions of this act shall have said stallion or jack re-examined every fourth year until said stallion or jack is ten years of age, at which time he shall be exempt from further re-examination. ('21 c. 293 § 4)

5859. Owner may protest—Re-examination—Whenever a stallion or jack has been rejected by the Board and the owner is not satisfied with the decision, said owner may file a protest. Said protest shall be accompanied by a certified check to the amount of \$10,

and upon receipt of these papers the Board shall provide for re-examination to be made by a competent disinterested veterinarian, other than the one who made the first examination. In case the report of this veterinarian shall agree with that made by the veterinarian previously examining the stallion or jack, his decision shall be final and the expense of the examination shall be paid from the certified check deposited by the stallion or jack owner, and the balance, if any, shall be refunded to him. In case the second examining veterinarian shall declare that the stallion or jack is not affected with any of the diseases or unsoundnesses hereinbefore specified, the expense of the examination shall be paid by the Board out of the funds hereinafter provided for, and the deposit of the owner shall be refunded to him. ('21 c. 293 § 5)

5860. Temporary certificates—The Board is authorized in cases of emergency to grant temporary license certificates without veterinary examination upon receipt of an affidavit of the owner to the effect that to the best of his knowledge and belief said stallion or jack is free from infectious, contagious, or transmissible disease or unsoundness. Temporary license certificates shall be valid only until veterinary examination can reasonably be made. ('21 c. 293 § 6)

5861. License to be posted—The owner of any stallion or jack standing for public service in this state shall during the entire breeding season, keep an exact copy of the license certificate of such stallion or jack, posted in a conspicuous place on every stable or building where said stallion or jack stands for public service. Said copies shall be printed in bold face and conspicuous type, not smaller than that appearing in the license certificate issued by the Board. Every hand-bill and poster issued by the owner of any stallion or jack licensed under this act, shall contain an exact copy of his license certificate and shall not contain illustrations, pedigrees, or other matter that is untruthful or misleading. Every newspaper advertisement pertaining to or describing the stallion or jack as a sire, shall contain in conspicuous type, the name of the class (whether pure-bred or grade) and the number of the license certificate issued by the Board, for said stallion or jack, and shall not contain illustrations, pedigrees or other matter that is untruthful or misleading. ('21 c. 293 § 7)

5862. How registered—Any stallion, the pedigree of which is properly registered in a recognized studbook, shall be licensed as a Pure-Bred. Any stallion which is not registered in a recognized studbook shall be licensed as a Grade. Any jack, the pedigree of which is properly registered in a recognized studbook shall be licensed as a Registered Jack. Any jack which is not properly registered in a recognized studbook shall be licensed as a Non-Registered Jack. Any stallion registered in the Non-Standard Department of the American Trotting Register shall be licensed as a Grade. ('21 c. 293 § 8)

5863. Fees—Renewal—A fee not to exceed \$4 shall be paid to the Secretary of the Board for the examination and enrollment of each pedigree and the issuance of a license certificate in accordance with the breeding of the stallion or jack. In order to keep said license certificate effective, a fee not exceeding \$2 shall be paid annually for the renewal of the license certificate. In case the license is not renewed, the Board is authorized to revoke such license. A fee of \$5 shall be paid to the Board for the veterinary examination of each horse examined, when the veterinarian making

such examination is employed by the Board. ('21 c. 293 § 9)

5864. Transfer of certificate—Upon transfer of ownership of any stallion or jack licensed under the provisions of this act, the license certificate may be transferred by the Secretary of the Board upon submittal of satisfactory proof of such transfer and upon payment of a fee of \$1.00. ('21 c. 293 § 10)

5865. Importer must obtain certificate—Every person importing into the state any stallion or jack for breeding or sale purposes, shall first secure a certificate from a competent and reputable veterinarian, or a state license certificate, certifying that such stallion or jack is free from all of the diseases and unsoundnesses heretofore specified. A copy of such certificate must be attached to the way-bill before the importation of such stallion or jack into the state. ('21 c. 293 § 11)

5866. Violation—Penalties—Violation of any of the provisions of this act is hereby made a misdemeanor and shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment in the county jail for not less than ten days nor more than thirty days for each offense. The burden of proving his license shall be upon the defendant in all actions hereinafter referred to. ('21 c. 293 § 12)

5867. Disposition of funds—The funds accruing from the above-named fines, fees, or from other sources, shall be used by the Board to defray the expenses of enrollment of pedigrees and issuance of licenses, to provide for the examination of stallions and jacks; to publish reports or bulletins containing lists of stallions and jacks examined; to disseminate information pertaining to horse breeding, and for any other such purposes as may be necessary to properly carry out and enforce the provisions of this act. It shall be the duty of this Board to make annual report, including financial statement, to the governor of the state, and all financial records shall be subject to inspection at any time by the public examiner. ('21 c. 293 § 13)

5868. Lien for service—Action—Every stallion or jack owner complying with the provisions of this act shall have a lien on each mare served and first lien on the offspring resulting from such service, to the amount of the agreed service fee. Said lien shall become effective upon the birth of the foal or upon the fulfillment by the owner of said stallion or jack of his contract, or in case of removal or attempted removal of the mare without consent of the person holding the lien, from the county wherein her owner resides at the time of service, and it shall remain effective for a period of eighteen (18) months from the date of service. In case his right of action accrues, the owner of such stallion or jack may file with any justice of the peace in the county, a written statement containing his cause for action, amount of his claim and a description of the mare upon which he has a lien, and the justice shall thereupon issue a summons as in other cases and an order to the constable to take the animal and her offspring if there be an offspring, and hold (her) or them subject to the order of the court. If upon trial, judgment be rendered for the plaintiff the court shall order a sale of the animal or animals to pay the judgment and costs. ('21 c. 293 § 14)

5869. Records, etc., to be property of board—That the records, files, supplies and funds which have accumulated under the provisions of Chapter 436, Statutes of 1907, shall become the property of the Stallion Registration Board herein provided for, and that insofar as these records and licenses issued thereunder do

not conflict with any provisions of this act, they shall be accepted by the board herein provided for and remain effective for the regular time for which they were originally issued. ('21 c. 293 § 15)

Explanatory note—Laws 1907, c. 436, was repealed. See § 5870, herein.

5870. Repeal—That Chapter 436 of the General Laws of 1907 is hereby repealed. ('21 c. 293 § 16)

5871. Not to issue license for mongrel stallion after Jan. 1, 1928—The board is hereby authorized to refuse to issue a license to a mongrel stallion beginning January 1, 1928. ('21 c. 293 § 17)

ELECTRICIANS

5872. State board of electricity—The state board of electricity shall consist of five members, residents of the state, appointed by the governor, each for a term of five years and until his successor qualifies, of whom two shall be master electricians, two journeyman electricians, recommended by their unions of this craft, and one a consulting engineer or electrical inspector of a city. Vacancies shall be filled in the same manner and from the same class from which the retiring member belonged. The board shall select from its members a president, secretary and treasurer, prescribe rules for the management of its affairs and adopt a seal. Each member shall receive three dollars a day for actual services and ten cents per mile for traveling expenses and his necessary expenses and the secretary such additional compensation as the board may allow; all to be paid out of the treasury of the board. The board shall meet at least once a year in the state capitol and may meet at any other time at places upon sufficient notice to the members. It shall have jurisdiction and this subdivision shall apply only to cities of the first class. (R. L. § 2357, amended '13 c. 554 § 1) [5082]

1913 c. 554 § 6 repeals all inconsistent acts, etc.

5873. Classification, examination, licenses, etc.—There shall be master, journeyman and special electricians, and in the last class shall be included persons employed to operate electric light or power apparatus and keep the same in repair. Every person not already a registered or licensed electrician who shall hereafter engage in the occupation of operating, installing or repairing electrical wires or apparatus shall apply to the board for a license to follow such occupation. The board shall examine the applicant and if he take the oath, hereinafter mentioned, and be found upon examination to be possessed of skill and knowledge in the business and reasonably versed in laws of electricity, the board shall issue to him a license, to follow such calling for two years, signed by the president and secretary and attested by the seal. All licenses heretofore issued by the board shall expire at the end of two years after the taking effect of the revised laws. The employes of the interstate telephone and telegraph companies shall not be required to hold licenses. Every licensee shall report his licensing and renewal thereof to the proper electrical inspector, if any there be, in the city in which he operates and display such license conspicuously in his place of business and exhibit it on lawful demand. Holders of journeyman and special electrician licenses shall be furnished with a duplicate of said license, printed or engraved on substantial cardboard of a size of two and one-half inches by four inches, which the holder shall produce upon lawful demand. For cause, and after hearing all interested parties, the board may revoke such license

and shall notify the city inspector of its revocation. Renewals of licenses for the same term shall be granted without examination. (R. L. § 2358, amended '13 c. 554 § 2) [5083]

Registration records filed with Secretary of State. See § 53-47, herein.

5874. Bonds—Every master electrician shall before receiving license as such give bond to the state in the penal sum of five thousand dollars, which bond shall be approved by, and filed with, said state board of electricity. This bond to be conditioned upon the faithful performance of all work entered upon or contracted for by said master. A journeyman electrician holding a state license shall, without further examination, be issued upon application to the state board of electricity a master electrician license, providing that he give bond as provided in this section. An action may be maintained on said bond by any person injured or damaged through the want of skill or the use of unsuitable or improper material in the performance of any work contracted for or undertaken by said master electrician or his servants or his employes. (R. L. 2359, amended '13 c. 554 § 3) [5084]

5875. Registered electricians—Every certificate of registration heretofore issued by such board shall be good for two years from the adoption of the Revised Laws, and thereafter the holder shall be entitled to a license without examination. Any electrician engaged in the business prior to the adoption of Revised Laws in any city first brought by such laws under the jurisdiction of the board, within six months after the taking effect thereof, shall apply to the board for a license, which shall be issued to him, without examination, on payment of a fee of two dollars. The secretary shall keep a register of all certificates and licenses issued. (2360) [5085]

5876. Qualifications and rights—Fees—A person under the age of twenty-one years shall be licensed only as a special electrician. Every applicant for a master electrician's license shall pay a fee of five dollars (\$5.00) and take oath that he has had three years' experience in the occupation, or if a corporation apply, an officer or manager thereof shall take such oath after being duly examined as master. An applicant for a journeyman electrician's license shall pay a fee of three dollars (\$3.00) and take oath that he has had three years' experience in the installing and repairing of electrical wires and apparatus. An applicant for a special electrician's license shall pay a fee of two dollars (\$2.00) and make oath that he has had two years' experience in the special line of work for which he asks license and which shall be set forth in such license. No contracts for electrical work shall be entered into by any one not a licensed electrician. (R. L. § 2361, amended '13 c. 554 § 4) [5086]

5877. Apprentices—Nothing in this subdivision shall prevent a person from serving as an apprentice under a licensed electrician but no master electrician shall have more than one apprentice to each two journeymen in his employ. No master electrician shall allow any apprentice to work at any installation of electrical wires or apparatus unless such apprentice is working with a licensed electrician on the job. (R. L. § 2362, amended '13 c. 554 § 5) [5087]

5878. Disposition of fees—Report—All fees collected under this subdivision shall be devoted to the uses of the board, and before the first Monday in January, annually, it shall report to the governor, in

writing, the items of its receipts and disbursements for the preceding year. (2363) [5088]

Moneys received by board paid into state treasury. See § 53-47, herein.

5879. Penalties—Any person who shall engage in the business of installing or repairing electrical wires or apparatus without having complied with the laws respecting registration and license, or who shall violate any of the provisions of this subdivision, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of ten dollars. (2364) [5089]

PRIVATE DETECTIVES

5880. License—It shall be unlawful for any person to act as or hold himself out to be a private detective or to establish or engage in the keeping, maintaining or operating of any private detective agency, or to carry on any private detective work within this state, without having first obtained a license therefor from the governor of the state of Minnesota upon application therefor on the payment of the fee and filing of the bond hereinafter provided for. ('07 c. 457 § 1) [5090]

5881. Term—Such license, unless sooner revoked, shall be and remain in force for three years from the date thereof. ('07 c. 457 § 2) [5091]

5882. Fee—Bond—Revocation—No such license shall be issued until such applicant shall have paid into the state treasury the fee hereinafter provided, and shall have filed with the secretary of state a bond duly approved by the governor in the sum of \$2,000, conditioned on the payment of all damages suffered, or sustained by any person by reason of any wilful or

malicious act on the part of such detective or detective agency or any employe of such detective or agency. Said license so issued may be revoked by the governor at any time, but no license shall be so revoked until the licensee shall have had an opportunity to appear and defend any charges made against him. Such charges shall be written and filed with the secretary of state, and shall have been served upon said licensee not less than ten days prior to the date of such hearing. ('07 c. 457 § 3) [5092]

5883. Employes of licensed detective—Nothing in this act contained shall be construed to prevent unlicensed persons from entering the employ of or working for and under the supervision of a regularly licensed private detective or detective agency, or any detective from any other state on a case having originated in another state. ('07 c. 457 § 4) [5093]

5884. Amount of fee—Each licensed detective agency shall pay a license fee of \$10.00. ('07 c. 457 § 5) [5094]

5885. Prohibition—Unless connected with or employed by a regular licensed detective agency, no person shall do or offer to do any detective work for money or other emolument within the state of Minnesota. ('07 c. 457 § 6) [5095]

5886. Penalty—Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not to exceed one hundred dollars or imprisoned in the county jail for not to exceed three months, or both, for each and every violation thereof. ('07 c. 457 § 7) [5096]

5887. "Person"—In the construction of this act the word "person" shall be held to mean person, persons, co-partnership or corporation. ('07 c. 457 § 8) [5097]

CHAPTER 35A

COLLECTION AGENCIES

	Sec.
To file bond with secretary of state—Conducting agency, etc., without bond prohibited	5888
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5888. To file bond with secretary of state—Conducting agency, etc., without bond prohibited—No person, partnership, association or corporation shall conduct a collection agency, collection bureau or collection office in this state or engage in this state solely in the business of collecting or receiving payment for others of any account, bill or other indebtedness, or engage in this state in the business of soliciting the right to collect or receive payment for another of any account, bill or other indebtedness, or advertise for or solicit in print the right to collect or receive payment for another of any account, bill or other indebtedness, unless, at the time of conducting such collection agency, collection bureau, collection office or collection business, or of doing such advertising or soliciting, such person, partnership, association or corporation, or the person, partnership, association or corporation for whom he or it may be acting as agent, shall have on file with the secretary of state a good

and sufficient bond as hereinafter specified. ('13 c. 532 § 1) [5098]

5889. Amount and condition of bond—Said bond shall be in the sum of five thousand dollars (\$5,000.00) and shall provide that the person, partnership, association or corporation giving the same shall, upon written demand, pay and turn over to or for the person, partnership, association or corporation for whom any account, bill or other indebtedness is taken for collection the proceeds of such collection in accordance with the terms of the agreement upon which such amount, bill or other indebtedness was received for collection. Said bond shall be in such form as the attorney general shall prescribe. ('13 c. 532 § 2) [5099]

5890. Term of bond—Limitation—Said bond shall be for the term of one year from the date thereof, unless the secretary of state and the person, partnership, association or corporation giving the same shall agree on a longer period. No action on said bond shall be begun after two years from the expiration of the bond. ('13 c. 532 § 3) [5100]

5891. How executed and approved—Sureties, etc.—Said bond shall be executed by said persons, partnerships, associations or corporations as principal, with at least two good and sufficient sureties who shall be residents and owners of real estate within the state. The bond shall not be accepted unless approved by the